

**EVIDENCE APPENDIX**

Attached to this Appendix are the following declarations submitted under 37 C.F.R. §1.131, which the Examiner entered into the record on the dates indicated below:

1. Declaration of Audrey Goddard, Ph.D., entered November 6, 2003.
2. First Declaration of Paul Polakis, Ph.D., entered October 20, 2005.
3. Second Declaration of Paul Polakis, Ph.D., entered June 13, 2006.
4. Declaration of Randy Scott, Ph.D., entered November 20, 2006.
5. Declaration of Avi Ashkenazi, Ph.D., entered November 6, 2003.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kevin P. Baker et al. )  
Serial No. 09/944,396 ) Examiner: Kemmerer, E.  
Filing Date: August 30, 2001 ) Group Art Unit No.: 1646  
For SECRETED AND )  
TRANSMEMBRANE )  
POLYPEPTIDES AND NUCLEIC )  
ACIDS ENCODING THE SAME )

**DECLARATION OF AUDREY D. GODDARD, Ph.D UNDER 37 C.F.R. § 1.132**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

I, Audrey D. Goddard, Ph.D. do hereby declare and say as follows:

1. I am a Senior Clinical Scientist at the Experimental Medicine/BioOncology, Medical Affairs Department of Genentech, Inc., South San Francisco, California 94080.
2. Between 1993 and 2001, I headed the DNA Sequencing Laboratory at the Molecular Biology Department of Genentech, Inc. During this time, my responsibilities included the identification and characterization of genes contributing to the oncogenic process, and determination of the chromosomal localization of novel genes.
3. My scientific Curriculum Vitae, including my list of publications, is attached to and forms part of this Declaration (Exhibit A).

Serial No.: \*

Filed: \*

4. I am familiar with a variety of techniques known in the art for detecting and quantifying the amplification of oncogenes in cancer, including the quantitative TaqMan PCR (i.e., "gene amplification") assay described in the above captioned patent application.

5. The TaqMan PCR assay is described, for example, in the following scientific publications: Higuchi *et al.*, Biotechnology 10:413-417 (1992) (Exhibit B); Livak *et al.*, PCR Methods Appl., 4:357-362 (1995) (Exhibit C) and Heid *et al.*, Genome Res. 6:986-994 (1996) (Exhibit D). Briefly, the assay is based on the principle that successful PCR yields a fluorescent signal due to Taq DNA polymerase-mediated exonuclease digestion of a fluorescently labeled oligonucleotide that is homologous to a sequence between two PCR primers. The extent of digestion depends directly on the amount of PCR, and can be quantified accurately by measuring the increment in fluorescence that results from decreased energy transfer. This is an extremely sensitive technique, which allows detection in the exponential phase of the PCR reaction and, as a result, leads to accurate determination of gene copy number.

6. The quantitative fluorescent TaqMan PCR assay has been extensively and successfully used to characterize genes involved in cancer development and progression. Amplification of protooncogenes has been studied in a variety of human tumors, and is widely considered as having etiological, diagnostic and prognostic significance. This use of the quantitative TaqMan PCR assay is exemplified by the following scientific publications: Pennica *et al.*, Proc. Natl. Acad. Sci. USA 95(25):14717-14722 (1998) (Exhibit E); Pitti *et al.*, Nature 396(6712):699-703 (1998) (Exhibit F) and Bieche *et al.*, Int. J. Cancer 78:661-666 (1998) (Exhibit G), the first two of which I am co-author. In particular, Pennica *et al.* have used the quantitative TaqMan PCR assay to study relative gene amplification of WISP and c-myc in various cell lines, colorectal tumors and normal mucosa. Pitti *et al.* studied the genomic amplification of a decoy receptor for Fas ligand in lung and colon cancer, using the quantitative TaqMan PCR assay. Bieche *et al.* used the assay to study gene amplification in breast cancer.

Serial No.: \*

Filed: \*

7. It is my personal experience that the quantitative TaqMan PCR technique is technically sensitive enough to detect at least a 2-fold increase in gene copy number relative to control. It is further my considered scientific opinion that an at least 2-fold increase in gene copy number in a tumor tissue sample relative to a normal (i.e., non-tumor) sample is significant and useful in that the detected increase in gene copy number in the tumor sample relative to the normal sample serves as a basis for using relative gene copy number as quantitated by the TaqMan PCR technique as a diagnostic marker for the presence or absence of tumor in a tissue sample of unknown pathology. Accordingly, a gene identified as being amplified at least 2-fold by the quantitative TaqMan PCR assay in a tumor sample relative to a normal sample is useful as a marker for the diagnosis of cancer, for monitoring cancer development and/or for measuring the efficacy of cancer therapy.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jan. 16, 2003

Date

Audrey Goddard

Audrey D. Goddard, Ph.D.

## AUDREY D. GODDARD, Ph.D.

Genentech, Inc.  
1 DNA Way  
South San Francisco, CA, 94080  
650.225.6428  
goddarda@gene.com

110 Congo St.  
San Francisco, CA, 94131  
415.841.9154  
415.819.2247 (mobile)  
agoddard@pacbell.net

## PROFESSIONAL EXPERIENCE

1993-present

Genentech, Inc.  
South San Francisco, CA

2001 - present Senior Clinical Scientist  
Experimental Medicine / BioOncology, Medical Affairs

## Responsibilities:

- Companion diagnostic oncology products
- Acquisition of clinical samples from Genentech's clinical trials for translational research
- Translational research using clinical specimen and data for drug development and diagnostics
- Member of Development Science Review Committee, Diagnostic Oversight Team, 21 CFR Part 11 Subteam

## Interests:

- Ethical and legal implications of experiments with clinical specimens and data
- Application of pharmacogenomics in clinical trials

1998 - 2001 Senior Scientist

Head of the DNA Sequencing Laboratory, Molecular Biology Department, Research

## Responsibilities:

- Management of a laboratory of up to nineteen –including postdoctoral fellow, associate scientist, senior research associate and research assistants/associate levels
- Management of a \$750K budget
- DNA sequencing core facility supporting a 350+ person research facility.
- DNA sequencing for high throughput gene discovery, - ESTs, cDNAs, and constructs
- Genomic sequence analysis and gene identification
- DNA sequence and primary protein analysis

## Research:

- Chromosomal localization of novel genes
- Identification and characterization of genes contributing to the oncogenic process
- Identification and characterization of genes contributing to inflammatory diseases
- Design and development of schemes for high throughput genomic DNA sequence analysis
- Candidate gene prediction and evaluation

Audrey D. Goddard, Ph.D. . . . page 2 of 9

**1993 - 1998      Scientist**  
**Head of the DNA Sequencing Laboratory, Molecular Biology Department, Research**

**Responsibilities**

- *DNA sequencing core facility supporting a 350+ person research facility*
- *Assumed responsibility for a pre-existing team of five technicians and expanded the group into fifteen, introducing a level of middle management and additional areas of research*
- *Participated in the development of the basic plan for high throughput secreted protein discovery program – sequencing strategies, data analysis and tracking, database design*
- *High throughput EST and cDNA sequencing for new gene identification.*
- *Design and implementation of analysis tools required for high throughput gene identification.*
- *Chromosomal localization of genes encoding novel secreted proteins.*

**Research:**

- *Genomic sequence scanning for new gene discovery.*
- *Development of signal peptide selection methods.*
- *Evaluation of candidate disease genes.*
- *Growth hormone receptor gene SNPs in children with Idiopathic short stature*

**Imperial Cancer Research Fund**  
**London, UK with Dr. Ellen Solomon**

**1989-1992****6/89 - 12/92 Postdoctoral Fellow**

- *Cloning and characterization of the genes fused at the acute promyelocytic leukemia translocation breakpoints on chromosomes 17 and 15.*
- *Prepared a successfully funded European Union multi-center grant application*

**McMaster University**  
**Hamilton, Ontario, Canada with Dr. G. D. Sweeney**

**1983****5/83 - 8/83: NSERC Summer Student**

- *In vitro metabolism of β-naphthoflavone in C57BL/6J and DBA mice*

**EDUCATION****Ph.D.**

"Phenotypic and genotypic effects of mutations in the human retinoblastoma gene."  
 Supervisor: Dr. R. A. Phillips

University of Toronto  
 Toronto, Ontario, Canada.  
 Department of Medical  
 Biophysics.

**1989****Honours B.Sc**

"The *In vitro* metabolism of the cytochrome P-448 inducer β-naphthoflavone in C57BL/6J mice."  
 Supervisor: Dr. G. D. Sweeney

McMaster University,  
 Hamilton, Ontario, Canada.  
 Department of Biochemistry

**1983**

Audrey D. Goddard, Ph.D., page 3 of 9

**ACADEMIC AWARDS**

Imperial Cancer Research Fund Postdoctoral Fellowship	1989-1992
Medical Research Council Studentship	1983-1988
NSERC Undergraduate Summer Research Award	1983
Society of Chemical Industry Merit Award (Hons. Biochem.)	1983
Dr. Harry Lyman Hooker Scholarship	1981-1983
J.L.W. Gill Scholarship	1981-1982
Business and Professional Women's Club Scholarship	1980-1981
Weyerhaeuser Foundation Scholarship	1979-1980

**INVITED PRESENTATIONS**

Genentech's gene discovery pipeline: High throughput identification, cloning and characterization of novel genes. Functional Genomics: From Genome to Function, Litchfield Park, AZ, USA, October 2000

High throughput identification, cloning and characterization of novel genes. G2K: Back to Science, Advances in Genome Biology and Technology I, Marco Island, FL, USA, February 2000

Quality control in DNA Sequencing: The use of Phred and Phrap. Bay Area Sequencing Users Meeting, Berkeley, CA, USA, April 1999

High throughput secreted protein identification and cloning. Tenth International Genome Sequencing and Analysis Conference, Miami, FL, USA, September 1998

The evolution of DNA sequencing: The Genentech perspective. Bay Area Sequencing Users Meeting, Berkeley, CA, USA, May 1998

Partial Growth Hormone Insensitivity: The role of GH-receptor mutations in Idiopathic Short Stature. Tenth Annual National Cooperative Growth Study Investigators Meeting, San Francisco, CA, USA, October, 1996

Growth hormone (GH) receptor defects are present in selected children with non-GH-deficient short stature: A molecular basis for partial GH-insensitivity. 76<sup>th</sup> Annual Meeting of The Endocrine Society, Anaheim, CA, USA, June 1994

A previously uncharacterized gene, myl, is fused to the retinoic acid receptor alpha gene in acute promyelocytic leukemia. XV International Association for Comparative Research on Leukemia and Related Disease, Padua, Italy, October 1991

*Audrey D. Goddard, Ph.D., page 4 of 9*

## PATENTS

- Goddard A, Godowski PJ, Gurney AL. NL2 Tie ligand homologue polypeptide. Patent Number: 6,455,496. Date of Patent: Sept 24, 2002.
- Goddard A, Godowski PJ and Gurney AL. NL3 Tie ligand homologue nucleic acids. Patent Number: 6,426,218. Date of Patent: July 30, 2002.
- Godowski P, Gurney A, Hillan KJ, Botstein D, Goddard A, Roy M, Ferrara N, Tumas D, Schwall R. NL4 Tie ligand homologue nucleic acid. Patent Number: 6,4137,770. Date of Patent: July 2, 2002.
- Ashkenazi A, Fong S, Goddard A, Gurney AL, Napier MA, Tumas D, Wood WI. Nucleic acid encoding A-33 related antigen poly peptides. Patent Number: 6,410,708. Date of Patent: Jun. 25, 2002.
- Botstein DA, Cohen RL, Goddard AD, Gurney AL, Hillan KJ, Lawrence DA, Levine AJ, Pennica D, Roy MA and Wood WI. WISP polypeptides and nucleic acids encoding same. Patent Number: 6,387,657. Date of Patent: May 14, 2002.
- Goddard A, Godowski PJ and Gurney AL. Tie ligands. Patent Number: 6,372,491. Date of Patent: April 16, 2002.
- Godowski PJ, Gurney AL, Goddard A and Hillan K. TIE ligand homologue antibody. Patent Number: 6,350,450. Date of Patent: Feb. 26, 2002.
- Fong S, Ferrara N, Goddard A, Godowski PJ, Gurney AL, Hillan K and Williams PM. Tie receptor tyrosine kinase ligand homologues. Patent Number: 6,348,351. Date of Patent: Feb. 10, 2002.
- Goddard A, Godowski PJ and Gurney AL. Ligand homologues. Patent Number: 6,348,350. Date of Patent: Feb. 19, 2002.
- Attie KM, Carlsson LMS, Gesunheit N and Goddard A. Treatment of partial growth hormone insensitivity syndrome. Patent Number: 6,207,640. Date of Patent: March 27, 2001.
- Fong S, Ferrara N, Goddard A, Godowski PJ, Gurney AL, Hillan K and Williams PM. Nucleic acids encoding NL-3. Patent Number: 6,074,873. Date of Patent: June 13, 2000.
- Attie K, Carlsson LMS, Gesunheit N and Goddard A. Treatment of partial growth hormone insensitivity syndrome. Patent Number: 5,824,642. Date of Patent: October 20, 1998.
- Attie K, Carlsson LMS, Gesunheit N and Goddard A. Treatment of partial growth hormone insensitivity syndrome. Patent Number: 5,646,113. Date of Patent: July 8, 1997.
- Multiple additional provisional applications filed.

Anthony D. Goddard, Ph.D., page 5 of 9

PUBLICATIONS

Audrey D. Goddard, Ph.D., ... page 6 of 8

- Yan M, Lee J, Schilbach S, Goddard A and Dixit V. (1999) mE10, a novel caspase recruitment domain-containing proapoptotic molecule. *J. Biol. Chem.* 274(15): 10287-10292.
- Gurney AL, Marsters SA, Huang RM, Pitti RM, Mark DT, Baldwin DT, Gray AM, Dowd P, Brush J, Heldenbeck S, Schow P, Goddard AD, Wood WI, Baker KP, Godowski PJ and Ashkenazi A. (1999) Identification of a new member of the tumor necrosis factor family and its receptor, a human ortholog of mouse GITR. *Current Biology* 9(4): 215-218.
- Ridgway JBB, Ng E, Kern JA, Lee J, Brush J, Goddard A and Carter P. (1999) Identification of a human anti-CD55 single-chain Fv by subtractive panning of a phage library using tumor and nontumor cell lines. *Cancer Research* 59: 2718-2723.
- Pitti RM, Marsters SA, Lawrence DA, Roy M, Kischkel FC, Dowd P, Huang A, Donahue CJ, Sherwood SW, Baldwin DT, Godowski PJ, Wood WI, Gurney AL, Hillian KJ, Cohen RL, Goddard AD, Botstein D and Ashkenazi A. (1998) Genomic amplification of a decoy receptor for Fas ligand in lung and colon cancer. *Nature* 396(6712): 698-703.
- Pennice D, Swanson TA, Welsh JW, Roy MA, Lawrence DA, Lee J, Brush J, Taneyhill LA, Deuel B, Lew M, Watanabe C, Cohen RL, Melhem MF, Finley GG, Quirke P, Goddard AD, Hillian KJ, Gurney AL, Botstein D and Levine AJ. (1998) WISP genes are members of the connective tissue growth factor family that are up-regulated in wnt-1-transformed cells and aberrantly expressed in human colon tumors. *Proc. Natl. Acad. Sci. USA* 95(25): 14717-14722.
- Yang RB, Mark MR, Gray A, Huang A, Xie MH, Zhang M, Goddard A, Wood WI, Gurney AL and Godowski PJ. (1998) Toll-like receptor-2 mediates lipopolysaccharin-induced cellular signalling. *Nature* 395(6699): 284-286.
- Merchant AM, Zhu Z, Yuan JQ, Goddard A, Adams CW, Presta LG and Carter P. (1998) An efficient route to human bispecific IgG. *Nature Biotechnology* 16(7): 677-681.
- Marsters SA, Sheridan JP, Pitti RM, Brush J, Goddard A and Ashkenazi A. (1998) Identification of a ligand for the death-domain-containing receptor Apo3. *Current Biology* 8(9): 525-528.
- Xie J, Murone M, Luch SM, Ryan A, Gu Q, Zhang C, Bonifas JM, Lam CW, Hynes M, Goddard A, Rosenthal A, Epstein EH Jr. and de Sauvage FJ. (1998) Activating Smoothened mutations in sporadic basal-cell carcinoma. *Nature* 391(6662): 90-92.
- Marsters SA, Sheridan JP, Pitti RM, Huang A, Skubatch M, Baldwin D, Yuan J, Gurney A, Goddard AD, Godowski P and Ashkenazi A. (1997) A novel receptor for Apo2L/TRAIL contains a truncated death domain. *Current Biology*, 7(12): 1003-1006.
- Hynes M, Stone DM, Dowd M, Pitts-Meek S, Goddard A, Gurney A and Rosenthal A. (1997) Control of cell pattern in the neural tube by the zinc finger transcription factor Gli-1. *Neuron* 19: 15-26.
- Sheridan JP, Marsters SA, Pitti RM, Gurney A, Skubatch M, Baldwin D, Ramakrishnan L, Gray CL, Baker K, Wood WI, Goddard AD, Godowski P, and Ashkenazi A. (1997) Control of TRAIL-Induced Apoptosis by a Family of Signaling and Decoy Receptors. *Science* 277 (5327): 818-821.

Audrey D. Goddard, Ph.D., page 7 of 9

- Goddard AD, Dowd P, Chernausek S, Geffner M, Gartner J, Hintz R, Hopwood N, Kaplan S, Plotnick L, Rogol A, Rosenfield R, Saenger P, Maura N, Herskowitz R, Angulo M and Attie, K. (1997) Partial growth hormone insensitivity: The role of growth hormone receptor mutations in idopathic short stature. *J. Pediatr.* 131: S51-55.
- Klein RD, Sherman D, Ho WH, Stone D, Bennett GL, Moffat B, Vandien R, Simmons L, Gu Q, Hongn JA, Devaux B, Poulsen K, Armanini M, Noraki C, Asai N, Goddard A, Phillips H, Henderson CE, Takahashi M and Rosenthal A. (1997) A GPI-linked protein that interacts with Ret to form a candidate neuritin receptor. *Nature*. 387(6634): 717-21.
- Stone DM, Hynes M, Armanini M, Swanson TA, Gu Q, Johnson RL, Scott MP, Pennica D, Goddard A, Phillips H, Noll M, Hooper JE, de Sauvage F and Rosenthal A. (1996) The tumour-suppressor gene patched encodes a candidate receptor for Sonic hedgehog. *Nature* 384(6606): 129-34.
- Marsters SA, Sheridan JP, Donahue CJ, Pitti RM, Gray CL, Goddard AD, Bauer KD and Ashkenazi A. (1996) Apo-3, a new member of the tumor necrosis factor receptor family, contains a death domain and activates apoptosis and NF- $\kappa$ B. *Current Biology* 6(12): 1669-76.
- Rothe M, Xiong J, Shu HB, Williamson K, Goddard A and Goeddel DV. (1996) I-TRAF is a novel TRAF-interacting protein that regulates TRAF-mediated signal transduction. *Proc. Natl. Acad. Sci. USA* 93: 8241-8246.
- Yang M, Loh SM, Goddard A, Reilly D, Henzel W and Bass S. (1996) The bglX gene located at 47.8 min on the Escherichia coli chromosome encodes a periplasmic beta-glucosidase. *Microbiology* 142: 1659-65.
- Goddard AD and Black DM. (1996) *Familial Cancer In Molecular Endocrinology of Cancer*. Waxman, J. Ed. Cambridge University Press, Cambridge UK, pp.187-215.
- Treanor JJS, Goodman L, de Sauvage F, Stone DM, Poulsen KT, Beck CD, Gray C, Armanini MP, Pollock RA, Hefti F, Phillips HS, Goddard A, Moore MW, Bluj-Bello A, Davis AM, Asai N, Takahashi M, Vandien R, Henderson CE and Rosenthal A. (1996) Characterization of a receptor for GDNF. *Nature* 382: 80-83.
- Klein RD, Gu Q, Goddard A and Rosenthal A. (1996) Selection for genes encoding secreted proteins and receptors. *Proc. Natl. Acad. Sci. USA* 93: 7108-7113.
- Winslow JW, Moran P, Valverde J, Shin A, Yuan JQ, Wong SC, Tsai SP, Goddard A, Henzel WJ, Hefti F and Caras I. (1995) Cloning of AL-1, a ligand for an Eph-related tyrosine kinase receptor involved in axon bundle formation. *Neuron* 14: 973-981.
- Bennett BD, Zeigler FC, Gu Q, Fendly B, Goddard AD, Gillett N and Matthews W. (1995) Molecular cloning of a ligand for the EPH-related receptor protein-tyrosine kinase Htk. *Proc. Natl. Acad. Sci. USA* 92: 1866-1870.
- Huang X, Yuang J, Goddard A, Foulis A, Jamies RF, Lemmark A, Pujol-Borrell R, Rabivovitch A, Somma N and Stewart TA. (1995) Interferon expression in the pancreases of patients with type 1 diabetes. *Diabetes* 44: 658-664.
- Goddard AD, Yuan JQ, Fairbairn L, Dexter M, Barrow J, Kozak C and Solomon E. (1995) Cloning of the murine homolog of the leukemia-associated PML gene. *Mammalian Genome* 8: 732-737.

Audrey D. Goddard, Ph.D. ... page 8 of 9

- Goddard AD, Covello R, Luoh SM, Clackson T, Attie KM, Gesundheit N, Rundle AC, Wells JA, Carlsson LMTI and The Growth Hormone Insensitivity Study Group. (1985) Mutations of the growth hormone receptor in children with idiopathic short stature. *N. Engl. J. Med.* 333: 1093-1098.
- Kuo SS, Moran P, Gripp J, Armanini M, Phillips HS, Goddard A and Caras IW. (1994) Identification and characterization of BATk, a predominantly brain-specific non-receptor protein tyrosine kinase related to Csk. *J. Neurosci. Res.* 38: 705-715.
- Mark MR, Scadden DT, Wang Z, Gu Q, Goddard A and Godowski PJ. (1994) Rse, a novel receptor-type tyrosine kinase with homology to Axl/Ufo, is expressed at high levels in the brain. *Journal of Biological Chemistry* 269: 10720-10728.
- Borrow J, Shipton J, Howe K, Kleif Y, Goddard A, Sheer D, Srivastava A, Antony AC, Fioretos T, Mitelman F and Solomon E. (1994) Molecular analysis of simple variant translocations in acute promyelocytic leukemia. *Genes Chromosomes Cancer* 9: 234-243.
- Goddard AD and Solomon E. (1993) Genetics of Cancer. *Adv. Hum. Genet.* 21: 321-376.
- Borrow J, Goddard AD, Gibbons B, Katz F, Swirsky D, Fioretos T, Drube I, Winfield DA, Kingston J, Hagemeyer A, Rees JKH, Lister AT and Solomon E. (1992) Diagnosis of acute promyelocytic leukemia by RT-PCR: Detection of PML-RARA and RARA-PML fusion transcripts. *Br. J. Haematol.* 82: 529-540.
- Goddard AD, Borrow J and Solomon E. (1992) A previously uncharacterized gene, PML, is fused to the retinoic acid receptor alpha gene in acute promyelocytic leukemia. *Leukemia* 6 Suppl 3: 117S-119S.
- Zhu X, Dunn JM, Goddard AD, Squire JA, Becker A, Phillips RA and Gallie BL. (1992) Mechanisms of loss of heterozygosity in retinoblastoma. *Cytogenet. Cell. Genet.* 59: 248-252.
- Foulkes W, Goddard A and Patel K. (1991) Retinoblastoma linked with Seascale [letter]. *British Med. J.* 302: 409.
- Goddard AD, Borrow J, Freemont PS and Solomon E. (1991) Characterization of a novel zinc finger gene disrupted by the t(15;17) in acute promyelocytic leukemia. *Science* 254: 1371-1374.
- Solomon E, Borrow J and Goddard AD. (1991) Chromosomal aberrations in cancer. *Science* 254: 1153-1160.
- Pajunen L, Jones TA, Goddard A, Sheer D, Solomon E, Pihlajaniemi T and Kivirikko KI. (1991) Regional assignment of the human gene coding for a multifunctional peptide (T4HB) acting as the  $\beta$ -subunit of prolyl-4-hydroxylase and the enzyme protein disulfide isomerase to 17q25. *Cytogenet. Cell. Genet.* 56: 165-168.
- Borrow J, Black DM, Goddard AD, Yagle MK, Frischauft A-M and Solomon E. (1991) Construction and regional localization of a *NotI* linking library from human chromosome 17q. *Genomics* 10: 477-480.
- Borrow J, Goddard AD, Sheer D and Solomon E. (1990) Molecular analysis of acute promyelocytic leukemia breakpoint cluster region on chromosome 17. *Science* 249: 1577-1580.

Audrey D. Goddard, Ph.D., page 9 of 9

- Myers JC, Jones TA, Pohjolainen E-R, Kadri AS, Goddard AD, Sheer D, Solomon E and Pihlajaniemi T. (1990) Molecular cloning of 5(IV) collagen and assignment of the gene to the region of the region of the X-chromosome containing the Alport Syndrome locus. *Am. J. Hum. Genet.* 46: 1024-1033.
- Gallie BL, Squire JA, Goddard A, Dunn JM, Canton M, Hinton D, Zhu X and Phillips RA. (1990) Mechanisms of oncogenesis in retinoblastoma. *Lab. Invest.* 62: 394-408.
- Goddard AD, Phillips RA, Greger V, Passarge E, Hopping W, Gallie BL and Horsthemke B. (1990) Use of the RB1 cDNA as a diagnostic probe in retinoblastoma families. *Clinical Genetics* 37: 117-126.
- Zhu XP, Dunn JM, Phillips RA, Goddard AD, Paton KE, Becker A and Gallie BL. (1989) Germinal, but not somatic, mutations of the RB1 gene preferentially involve the paternal allele. *Nature* 340: 312-314.
- Gallie BL, Dunn JM, Goddard A, Becker A and Phillips RA. (1986) Identification of mutations in the putative retinoblastoma gene. In: *Molecular Biology of The Eye: Genes, Vision and Ocular Disease*. UCLA Symposia on Molecular and Cellular Biology, New Series, Volume 88. J. Piatigorsky, T. Shinohara and P.S. Zelenka, Eds. Alan R. Liss, Inc., New York, 1986, pp. 427-436.
- Goddard AD, Belakier H, Canton M, Dunn J, Squire J, Reyes E, Becker A, Phillips RA and Gallie BL. (1988) Infrequent genomic rearrangement and normal expression of the putative RB1 gene in retinoblastoma tumors. *Mol. Cell. Biol.* 8: 2082-2088.
- Squire J, Dunn J, Goddard A, Hoffman T, Musarella M, Willard HF, Becker AJ, Gallie BL and Phillips RA. (1986) Cloning of the esterase D gene: A polymorphic gene probe closely linked to the retinoblastoma locus on chromosome 13. *Proc. Natl. Acad. Sci. USA* 83: 6573-6577.
- Squire J, Goddard AD, Canton M, Becker A, Phillips RA and Gallie BL (1986) Tumour induction by the retinoblastoma mutation is independent of N-myc expression. *Nature* 322: 555-557.
- Goddard AD, Heddle JA, Gallie BL and Phillips RA. (1985) Radiation sensitivity of fibroblasts of bilateral retinoblastoma patients as determined by micronucleus induction *in vitro*. *Mutation Research* 152: 31-38.

EXHIBIT A

DECLARATION OF PAUL POLAKIS, Ph.D.

I, Paul Polakis, Ph.D., declare and say as follows:

1. I was awarded a Ph.D. by the Department of Biochemistry of the Michigan State University in 1984. My scientific Curriculum Vitae is attached to and forms part of this Declaration (Exhibit A).
2. I am currently employed by Genentech, Inc. where my job title is Staff Scientist. Since joining Genentech in 1999, one of my primary responsibilities has been leading Genentech's Tumor Antigen Project, which is a large research project with a primary focus on identifying tumor cell markers that find use as targets for both the diagnosis and treatment of cancer in humans.
3. As part of the Tumor Antigen Project, my laboratory has been analyzing differential expression of various genes in tumor cells relative to normal cells. The purpose of this research is to identify proteins that are abundantly expressed on certain tumor cells and that are either (i) not expressed, or (ii) expressed at lower levels, on corresponding normal cells. We call such differentially expressed proteins "tumor antigen proteins". When such a tumor antigen protein is identified, one can produce an antibody that recognizes and binds to that protein. Such an antibody finds use in the diagnosis of human cancer and may ultimately serve as an effective therapeutic in the treatment of human cancer.
4. In the course of the research conducted by Genentech's Tumor Antigen Project, we have employed a variety of scientific techniques for detecting and studying differential gene expression in human tumor cells relative to normal cells, at genomic DNA, mRNA and protein levels. An important example of one such technique is the well known and widely used technique of microarray analysis which has proven to be extremely useful for the identification of mRNA molecules that are differentially expressed in one tissue or cell type relative to another. In the course of our research using microarray analysis, we have identified approximately 200 gene transcripts that are present in human tumor cells at significantly higher levels than in corresponding normal human cells. To date, we have generated antibodies that bind to about 30 of the tumor antigen proteins expressed from these differentially expressed gene transcripts and have used these antibodies to quantitatively determine the level of production of these tumor antigen proteins in both human cancer cells and corresponding normal cells. We have then compared the levels of mRNA and protein in both the tumor and normal cells analyzed.
5. From the mRNA and protein expression analyses described in paragraph 4 above, we have observed that there is a strong correlation between changes in the level of mRNA present in any particular cell type and the level of protein

expressed from that mRNA in that cell type. In approximately 80% of our observations we have found that increases in the level of a particular mRNA correlates with changes in the level of protein expressed from that mRNA when human tumor cells are compared with their corresponding normal cells.

6. Based upon my own experience accumulated in more than 20 years of research, including the data discussed in paragraphs 4 and 5 above and my knowledge of the relevant scientific literature, it is my considered scientific opinion that for human genes, an increased level of mRNA in a tumor cell relative to a normal cell typically correlates to a similar increase in abundance of the encoded protein in the tumor cell relative to the normal cell. In fact, it remains a central dogma in molecular biology that increased mRNA levels are predictive of corresponding increased levels of the encoded protein. While there have been published reports of genes for which such a correlation does not exist, it is my opinion that such reports are exceptions to the commonly understood general rule that increased mRNA levels are predictive of corresponding increased levels of the encoded protein.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 5/07/04

By: Paul Polakis

Paul Polakis, Ph.D.

## CURRICULUM VITAE

PAUL G. POLAKIS  
Staff Scientist  
Genentech, Inc.  
1 DNA Way, MS#40  
S. San Francisco, CA 94080

### EDUCATION:

Ph.D., Biochemistry, Department of Biochemistry,  
Michigan State University (1984)

B.S., Biology. College of Natural Science, Michigan State University (1977)

### PROFESSIONAL EXPERIENCE:

- |              |   |
|--------------|---|
| 2002-present | Staff Scientist, Genentech, Inc<br>S. San Francisco, CA   |
| 1999- 2002   | Senior Scientist, Genentech, Inc.,<br>S. San Francisco, CA  |
| 1997 -1999   | Research Director<br>Onyx Pharmaceuticals, Richmond, CA   |
| 1992- 1996   | Senior Scientist, Project Leader, Onyx<br>Pharmaceuticals, Richmond, CA                                   |
| 1991-1992    | Senior Scientist, Chiron Corporation,<br>Emeryville, CA.  |
| 1989-1991    | Scientist, Cetus Corporation, Emeryville CA.  |
| 1987-1989    | Postdoctoral Research Associate, Genentech,<br>Inc., South SanFrancisco, CA.                              |
| 1985-1987    | Postdoctoral Research Associate, Department<br>of Medicine, Duke University Medical Center,<br>Durham, NC |

1984-1985	Assistant Professor, Department of Chemistry, Oberlin College, Oberlin, Ohio
1980-1984	Graduate Research Assistant, Department of Biochemistry, Michigan State University East Lansing, Michigan

**PUBLICATIONS:**

1. Polakis, P G. and Wilson, J. E. 1982 Purification of a Highly Bindable Rat Brain Hexokinase by High Performance Liquid Chromatography. *Biochem. Biophys. Res. Commun.* 107, 937-943.
2. Polakis, P.G. and Wilson, J. E. 1984 Proteolytic Dissection of Rat Brain Hexokinase: Determination of the Cleavage Pattern during Limited Digestion with Trypsin. *Arch. Biochem. Biophys.* 234, 341-352.
3. Polakis, P. G. and Wilson, J. E. 1985 An Intact Hydrophobic N-Terminal Sequence is Required for the Binding Rat Brain Hexokinase to Mitochondria. *Arch. Biochem. Biophys.* 236, 328-337.
4. Uhing, R.J., Polakis,P.G. and Snyderman, R. 1987 Isolation of GTP-binding Proteins from Myeloid HL60 Cells. *J. Biol. Chem.* 262, 15575-15579.
5. Polakis, P.G., Uhing, R.J. and Snyderman, R. 1988 The Formylpeptide Chemoattractant Receptor Copurifies with a GTP-binding Protein Containing a Distinct 40 kDa Pertussis Toxin Substrate. *J. Biol. Chem.* 263, 4969-4979.
6. Uhing, R. J., Dillon, S., Polakis, P. G., Truett, A. P. and Snyderman, R. 1988 Chemoattractant Receptors and Signal Transduction Processes in Cellular and Molecular Aspects of Inflammation ( Poste, G. and Crooke, S. T. eds.) pp 335-379.
7. Polakis, P.G., Evans, T. and Snyderman 1989 Multiple Chromatographic Forms of the Formylpeptide Chemoattractant Receptor and their Relationship to GTP-binding Proteins. *Biochem. Biophys. Res. Commun.* 161, 276-283.
8. Polakis, P. G., Snyderman, R. and Evans, T. 1989 Characterization of G25K, a GTP-binding Protein Containing a Novel Putative Nucleotide Binding Domain. *Biochem. Biophys. Res. Comun.* 160, 25-32.
9. Polakis, P., Weber,R.F., Nevins,B., Didsbury, J. Evans,T. and Snyderman, R. 1989 Identification of the ral and rac1 Gene Products, Low Molecular Mass GTP-binding Proteins from Human Platelets. *J. Biol. Chem.* 264, 16383-16389.
10. Snyderman, R., Perianin, A., Evans, T., Polakis, P. and Didsbury, J. 1989 G Proteins and Neutrophil Function. In ADP-Ribosylating Toxins and G Proteins: Insights into Signal Transduction. ( J. Moss and M. Vaughn, eds.) Amer. Soc. Microbiol. pp. 295-323.

- 11.** Hart, M.J., Polakis, P.G., Evans, T. and Cerrione, R.A. 1990 Identification and Characterization of an Epidermal Growth Factor-Stimulated Phosphorylation of a Specific Low Molecular Mass GTP-binding Protein in a Reconstituted Phospholipid Vesicle System. *J. Biol. Chem.* 265, 5990-6001.
- 12.** Yatani, A., Okabe, K., Polakis, P., Halenbeck, R., McCormick, F. and Brown, A. M. 1990 ras p21 and GAP Inhibit Coupling of Muscarinic Receptors to Atrial K<sup>+</sup> Channels. *Cell.* 61, 769-776.
- 13.** Munemitsu, S., Innis, M.A., Clark, R., McCormick, F., Ullrich, A. and Polakis, P.G. 1990 Molecular Cloning and Expression of a G25K cDNA, the Human Homolog of the Yeast Cell Cycle Gene CDC42. *Mol. Cell. Biol.* 10, 5977-5982.
- 14.** Polakis, P.G., Rubinfeld, B., Evans, T. and McCormick, F. 1991 Purification of Plasma Membrane-Associated GTPase Activating Protein (GAP) Specific for rap-1/krev-1 from HL60 Cells. *Proc. Natl. Acad. Sci. USA* 88, 239-243.
- 15.** Moran, M. F., Polakis, P., McCormick, F., Pawson, T. and Ellis, C. 1991 Protein Tyrosine Kinases Regulate the Phosphorylation, Protein Interactions, Subcellular Distribution, and Activity of p21ras GTPase Activating Protein. *Mol. Cell. Biol.* 11, 1804-1812.
- 16.** Rubinfeld, B., Wong, G., Bekesi, E., Wood, A., McCormick, F. and Polakis, P. G. 1991 A Synthetic Peptide Corresponding to a Sequence in the GTPase Activating Protein Inhibits p21<sup>ras</sup> Stimulation and Promotes Guanine Nucleotide Exchange. *Internatl. J. Peptide and Prot. Res.* 38, 47-53.
- 17.** Rubinfeld, B., Munemitsu, S., Clark, R., Conroy, L., Watt, K., Crosier, W., McCormick, F., and Polakis, P. 1991 Molecular Cloning of a GTPase Activating Protein Specific for the Krev-1 Protein p21<sup>rap1</sup>. *Cell* 65, 1033-1042.
- 18.** Zhang, K., Papageorge, A., G., Martin, P., Vass, W. C., Olah, Z., Polakis, P., McCormick, F. and Lowy, D. R. 1991 Heterogenous Amino Acids in RAS and Rap1A Specifying Sensitivity to GAP Proteins. *Science* 254, 1630-1634.
- 19.** Martin, G., Yatani, A., Clark, R., Polakis, P., Brown, A. M. and McCormick, F. 1992 GAP Domains Responsible for p21<sup>ras</sup>-dependent Inhibition of Muscarinic Atrial K<sup>+</sup> Channel Currents. *Science* 255, 192-194.
- 20.** McCormick, F., Martin, G. A., Clark, R., Bollag, G. and Polakis, P. 1992 Regulation of p21ras by GTPase Activating Proteins. *Cold Spring Harbor Symposia on Quantitative Biology*, Vol. 56, 237-241.
- 21.** Pronk, G. B., Polakis, P., Wong, G., deVries-Smits, A. M., Bos J. L. and McCormick, F. 1992 p60<sup>v-src</sup> Can Associate with and Phosphorylate the p21<sup>ras</sup> GTPase Activating Protein. *Oncogene* 7, 389-394.
- 22.** Polakis P. and McCormick, F. 1992 Interactions Between p21<sup>ras</sup> Proteins and Their GTPase Activating Proteins. In Cancer Surveys ( Franks, L. M., ed.) 12, 25-42.

- 23.** Wong, G., Muller, O., Clark, R., Conroy, L., Moran, M., Polakis, P. and McCormick, F. 1992 Molecular cloning and nucleic acid binding properties of the GAP-associated tyrosine phosphoprotein p62. *Cell* 69, 551-558.
- 24.** Polakis, P., Rubinfeld, B. and McCormick, F. 1992 Phosphorylation of rap1GAP in vivo and by cAMP-dependent Kinase and the Cell Cycle p34<sup>cdc2</sup> Kinase in vitro. *J. Biol. Chem.* 267, 10780-10785.
- 25.** McCabe, P.C., Haubruck, H., Polakis, P., McCormick, F., and Innis, M. A. 1992 Functional Interactions Between p21<sup>rap1A</sup> and Components of the Budding pathway of *Saccharomyces cerevisiae*. *Mol. Cell. Biol.* 12, 4084-4092.
- 26.** Rubinfeld, B., Crosier, W.J., Albert, I., Conroy, L., Clark, R., McCormick, F. and Polakis, P. 1992 Localization of the rap1GAP Catalytic Domain and Sites of Phosphorylation by Mutational Analysis. *Mol. Cell. Biol.* 12, 4634-4642.
- 27.** Ando, S., Kaibuchi, K., Sasaki, K., Hiraoka, T., Nishiyama, T., Mizuno, T., Asada, M., Nunoi, H., Matsuda, I., Matsuura, Y., Polakis, P., McCormick, F. and Takai, Y. 1992 Post-translational processing of rac p21s is important both for their interaction with the GDP/GTP exchange proteins and for their activation of NADPH oxidase. *J. Biol. Chem.* 267, 25709-25713.
- 28.** Janoueix-Lerosey, I., Polakis, P., Tavitian, A. and deGunzberg, J. 1992 Regulation of the GTPase activity of the ras-related rap2 protein. *Biochem. Biophys. Res. Commun.* 189, 455-464.
- 29.** Polakis, P. 1993 GAPs Specific for the rap1/Krev-1 Protein. in GTP-binding Proteins: the ras-superfamily. (J.C. LaCale and F. McCormick, eds.) 445-452.
- 30.** Polakis, P. and McCormick, F. 1993 Structural requirements for the interaction of p21<sup>ras</sup> with GAP, exchange factors, and its biological effector target. *J. Biol. Chem.* 268, 9157-9160.
- 31.** Rubinfeld, B., Souza, B., Albert, I., Muller, O., Chamberlain, S., Masiarz, F., Munemitsu, S. and Polakis, P. 1993 Association of the APC gene product with beta- catenin. *Science* 262, 1731-1734.
- 32.** Weiss, J., Rubinfeld, B., Polakis, P., McCormick, F., Cavenee, W. A. and Arden, K. 1993 The gene for human rap1-GTPase activating protein (rap1GAP) maps to chromosome 1p35-1p36.1. *Cytogenet. Cell Genet.* 66, 18-21.
- 33.** Sato, K. Y., Polakis, P., Haubruck, H., Fasching, C. L., McCormick, F. and Stanbridge, E. J. 1994 Analysis of the tumor suppressor activity of the K-rev gene in human tumor cell lines. *Cancer Res.* 54, 552-559.
- 34.** Janoueix-Lerosey, I., Fontenay, M., Tobelem, G., Tavitian, A., Polakis, P. and DeGunzburg, J. 1994 Phosphorylation of rap1GAP during the cell cycle. *Biochem. Biophys. Res. Commun.* 202, 967-975.
- 35.** Munemitsu, S., Souza, B., Mueller, O., Albert, I., Rubinfeld, B., and Polakis, P. 1994 The APC gene product associates with microtubules in vivo and affects their assembly in vitro. *Cancer Res.* 54, 3676-3681.

36. Rubinfeld, B. and Polakis, P. 1995 Purification of baculovirus produced rap1GAP. *Methods Enz.* 255,31
37. Polakis, P. 1995 Mutations in the APC gene and their implications for protein structure and function. *Current Opinions in Genetics and Development* 5, 66-71
38. Rubinfeld, B., Souza, B., Albert, I., Munemitsu, S. and Polakis P. 1995 The APC protein and E-cadherin form similar but independent complexes with  $\alpha$ -catenin,  $\beta$ -catenin and Plakoglobin. *J. Biol. Chem.* 270, 5549-5555
39. Munemitsu, S., Albert, I., Souza, B., Rubinfeld, B., and Polakis, P. 1995 Regulation of intracellular  $\beta$ -catenin levels by the APC tumor suppressor gene. *Proc. Natl. Acad. Sci.* 92, 3046-3050.
40. Lock, P., Fumagalli, S., Polakis, P. McCormick, F. and Courtneidge, S. A. 1996 The human p62 cDNA encodes Sam68 and not the rasGAP-associated p62 protein. *Cell* 84, 23-24.
41. Papkoff, J., Rubinfeld, B., Schryver, B. and Polakis, P. 1996 Wnt-1 regulates free pools of catenins and stabilizes APC-catenin complexes. *Mol. Cell. Biol.* 16, 2128-2134.
42. Rubinfeld, B., Albert, I., Porfiri, E., Fiol, C., Munemitsu, S. and Polakis, P. 1996 Binding of GSK3 $\beta$  to the APC- $\beta$ -catenin complex and regulation of complex assembly. *Science* 272, 1023-1026.
43. Munemitsu, S., Albert, I., Rubinfeld, B. and Polakis, P. 1996 Deletion of amino-terminal structure stabilizes  $\beta$ -catenin in vivo and promotes the hyperphosphorylation of the APC tumor suppressor protein. *Mol. Cell. Biol.* 16, 4088-4094.
44. Hart, M. J., Callow, M. G., Sousa, B. and Polakis P. 1996 IQGAP1, a calmodulin binding protein with a rasGAP related domain, is a potential effector for cdc42Hs. *EMBO J.* 15, 2997-3005.
45. Nathke, I. S., Adams, C. L., Polakis, P., Sellin, J. and Nelson, W. J. 1996 The adenomatous polyposis coli (APC) tumor suppressor protein is localized to plasma membrane sites involved in active epithelial cell migration. *J. Cell. Biol.* 134, 165-180.
46. Hart, M. J., Sharma, S., elMasry, N., Qui, R-G., McCabe, P., Polakis, P. and Bollag, G. 1996 Identification of a novel guanine nucleotide exchange factor for the rho GTPase. *J. Biol. Chem.* 271, 25452.
47. Thomas JE, Smith M, Rubinfeld B, Gutowski M, Beckmann RP, and Polakis P. 1996 Subcellular localization and analysis of apparent 180-kDa and 220-kDa proteins of the breast cancer susceptibility gene, BRCA1. *J. Biol. Chem.* 1996 271, 28630-28635
48. Hayashi, S., Rubinfeld, B., Souza, B., Polakis, P., Wieschaus, E., and Levine, A. 1997 A Drosophila homolog of the tumor suppressor adenomatous polyposis coli

- down-regulates  $\beta$ -catenin and its zygotic expression is not essential for the regulation of armadillo. *Proc. Natl. Acad. Sci.* 94, 242-247.
49. Vleminckx, K., Rubinfeld, B., Polakis, P. and Gumbiner, B. 1997 The APC tumor suppressor protein induces a new axis in Xenopus embryos. *J. Cell. Biol.* 136, 411-420.
50. Rubinfeld, B., Robbins, P., El-Gamil, M., Albert, I., Porfiri, P. and Polakis, P. 1997 Stabilization of  $\beta$ -catenin by genetic defects in melanoma cell lines. *Science* 275, 1790-1792.
51. Polakis, P. The adenomatous polyposis coli (APC) tumor suppressor. 1997 *Biochem. Biophys. Acta*, 1332, F127-F147.
52. Rubinfeld, B., Albert, I., Porfiri, E., Munemitsu, S., and Polakis, P. 1997 Loss of  $\beta$ -catenin regulation by the APC tumor suppressor protein correlates with loss of structure due to common somatic mutations of the gene. *Cancer Res.* 57, 4624-4630.
53. Porfiri, E., Rubinfeld, B., Albert, I., Hovanes, K., Waterman, M., and Polakis, P. 1997 Induction of a  $\beta$ -catenin-LEF-1 complex by wnt-1 and transforming mutants of  $\beta$ -catenin. *Oncogene* 15, 2833-2839.
54. Thomas JE, Smith M, Tonkinson JL, Rubinfeld B, and Polakis P., 1997 Induction of phosphorylation on BRCA1 during the cell cycle and after DNA damage. *Cell Growth Differ.* 8, 801-809.
55. Hart, M., de los Santos, R., Albert, I., Rubinfeld, B., and Polakis P., 1998 Down regulation of  $\beta$ -catenin by human Axin and its association with the adenomatous polyposis coli (APC) tumor suppressor,  $\beta$ -catenin and glycogen synthase kinase 3 $\beta$ . *Current Biology* 8, 573-581.
56. Polakis, P. 1998 The oncogenic activation of  $\beta$ -catenin. *Current Opinions in Genetics and Development* 9, 15-21
57. Matt Hart, Jean-Paul Concordet, Irina Lassot, Iris Albert, Rico del los Santos, Herve Durand, Christine Perret, Bonnee Rubinfeld, Florence Margotin, Richard Benarous and Paul Polakis. 1999 The F-box protein  $\beta$ -TrCP associates with phosphorylated  $\beta$ -catenin and regulates its activity in the cell. *Current Biology* 9, 207-10.
58. Howard C. Crawford, Barbara M. Fingleton, Bonnee Rubinfeld, Paul Polakis and Lynn M. Matrisian 1999 The metalloproteinase matrilysin is a target of  $\beta$ -catenin transactivation in intestinal tumours. *Oncogene* 18, 2883-91.
59. Meng J, Glick JL, Polakis P, Casey PJ. 1999 Functional interaction between Galphaz(z) and Rap1GAP suggests a novel form of cellular cross-talk. *J Biol Chem.* 17, 36663-9

60. Vijayasurian Easwaran Virginia Song, Paul Polakis and St. Byers 1999 The ubiquitin-proteosome pathway and serine kinase activity modulate APC mediated regulation of  $\beta$ -catenin-LEF signaling. *J. Biol. Chem.* 274(23):16641-5.
61. Polakis P, Hart M and Rubinfeld B. 1999 Defects in the regulation of beta-catenin in colorectal cancer. *Adv Exp Med Biol.* 470, 23-32
62. Shen Z, Batzer A, Koehler JA, Polakis P, Schlessinger J, Lydon NB, Moran MF. 1999 Evidence for SH3 domain directed binding and phosphorylation of Sam68 by Src. *Oncogene.* 18, 4647-53
64. Thomas GM, Frame S, Goedert M, Nathke I, Polakis P, Cohen P. 1999 A GSK3- $\beta$  binding peptide from FRAT1 selectively inhibits the GSK3-catalysed phosphorylation of axin and beta-catenin. *FEBS Lett.* 458, 247-51.
65. Peifer M, Polakis P. 2000 Wnt signaling in oncogenesis and embryogenesis—a look outside the nucleus. *Science* 287, 1606-9.
66. Polakis P. 2000 Wnt signaling and cancer. *Genes Dev.* 14, 1837-1851.
67. Spink KE, Polakis P, Weis WI. 2000 Structural basis of the Axin-adenomatous polyposis coli interaction. *EMBO J.* 19, 2270-2279.
68. Szeto, W., Jiang, W., Tice, D.A., Rubinfeld, B., Hollingshead, P.G., Fong, S.E., Dugger, D.L., Pham, T., Yansura, D.E., Wong, T.A., Grimaldi, J.C., Corpuz, R.T., Singh J.S., Frantz, G.D., Devaux, B., Crowley, C.W., Schwall, R.H., Eberhard, D.A., Rastelli, L., Polakis, P. and Pennica, D. 2001 Overexpression of the Retinoic Acid-Responsive Gene Stra6 in Human Cancers and its Synergistic Induction by Wnt-1 and Retinoic Acid. *Cancer Res* 61, 4197-4204.
69. Rubinfeld B, Tice DA, Polakis P. 2001 Axin dependent phosphorylation of the adenomatous polyposis coli protein mediated by casein kinase 1 epsilon. *J Biol Chem.* 276, 39037-39045.
70. Polakis P. 2001 More than one way to skin a catenin. *Cell* 2001 105, 563-566.
71. Tice DA, Soloviev I, Polakis P. 2002 Activation of the Wnt Pathway Interferes with Serum Response Element-driven Transcription of Immediate Early Genes. *J Biol Chem.* 277, 6118-6123.
72. Tice DA, Szeto W, Soloviev I, Rubinfeld B, Fong SE, Dugger DL, Winer J,

- Williams PM, Wieand D, Stuken V, Schwall RH, Pennica D, Polakis P. 2002 Synergistic activation of tumor antigens by wnt-1 signaling and retinoic acid revealed by gene expression profiling. *J Biol Chem.* 277,14329-14335.
73. Polakis, P. 2002 Casein kinase I: A wnt'er of disconnect. *Curr. Biol.* 12, R499.
74. Mao,W. , Luis, E., Ross, S., Silva, J., Tan, C., Crowley, C., Chui, C., Franz, G., Senter, P., Koeppen, H., Polakis, P. 2004 EphB2 as a therapeutic antibody drug target for the treatment of colorectal cancer. *Cancer Res.* 64, 781-788.
75. Shibamoto, S., Winer, J., Williams, M., Polakis, P. 2003 A Blockade in Wnt signaling is activated following the differentiation of F9 teratocarcinoma cells. *Exp. Cell Res.* 29211-20.
76. Zhang Y, Eberhard DA, Frantz GD, Dowd P, Wu TD, Zhou Y, Watanabe C, Luoh SM, Polakis P, Hillan KJ, Wood WI, Zhang Z. 2004 GEPIS—quantitative gene expression profiling in normal and cancer tissues. *Bioinformatics*, April 8

SECOND DECLARATION OF PAUL POLAKIS, Ph.D.

I, Paul Polakis, Ph.D., declare and say as follows:

1. I am currently employed by Genentech, Inc. where my job title is Staff Scientist.
2. Since joining Genentech in 1999, one of my primary responsibilities has been leading Genentech's Tumor Antigen Project, which is a large research project with a primary focus on identifying tumor cell markers that find use as targets for both the diagnosis and treatment of cancer in humans.
3. As I stated in my previous Declaration dated May 7, 2004 (attached as Exhibit A), my laboratory has been employing a variety of techniques, including microarray analysis, to identify genes which are differentially expressed in human tumor tissue relative to normal human tissue. The primary purpose of this research is to identify proteins that are abundantly expressed on certain human tumor tissue(s) and that are either (i) not expressed, or (ii) expressed at detectably lower levels, on normal tissue(s).
4. In the course of our research using microarray analysis, we have identified approximately 200 gene transcripts that are present in human tumor tissue at significantly higher levels than in normal human tissue. To date, we have successfully generated antibodies that bind to 31 of the tumor antigen proteins expressed from these differentially expressed gene transcripts and have used these antibodies to quantitatively determine the level of production of these tumor antigen proteins in both human tumor tissue and normal tissue. We have then quantitatively compared the levels of mRNA and protein in both the tumor and normal tissues analyzed. The results of these analyses are attached herewith as Exhibit B. In Exhibit B, "+" means that the mRNA or protein was detectably overexpressed in the tumor tissue relative to normal tissue and "-" means that no detectable overexpression was observed in the tumor tissue relative to normal tissue.
5. As shown in Exhibit B, of the 31 genes identified as being detectably overexpressed in human tumor tissue as compared to normal human tissue at the mRNA level, 28 of them (i.e., greater than 90%) are also detectably overexpressed in human tumor tissue as compared to normal human tissue at the protein level. As such, in the cases where we have been able to quantitatively measure both (i) mRNA and (ii) protein levels in both (i) tumor tissue and (ii) normal tissue, we have observed that in the vast majority of cases, there is a very strong correlation between increases in mRNA expression and increases in the level of protein encoded by that mRNA.

6. Based upon my own experience accumulated in more than 20 years of research, including the data discussed in paragraphs 4-5 above and my knowledge of the relevant scientific literature, it is my considered scientific opinion that for human genes, an increased level of mRNA in a tumor tissue relative to a normal tissue more often than not correlates to a similar increase in abundance of the encoded protein in the tumor tissue relative to the normal tissue. In fact, it remains a generally accepted working assumption in molecular biology that increased mRNA levels are more often than not predictive of elevated levels of the encoded protein. In fact, an entire industry focusing on the research and development of therapeutic antibodies to treat a variety of human diseases, such as cancer, operates on this working assumption.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 3-29-04

By: Paul Polakis

Paul Polakis, Ph.D.

**EXHIBIT B**

	tumor mRNA	tumor IHC
UNQ2525	+	+
UNQ2378	+	+
UNQ972	+	-
UNQ97671	+	+
UNQ2964	+	+
UNQ323	+	+
UNQ1655	+	+
UNQ2333	+	+
UNQ9638	+	+
UNQ8209	+	+
UNQ6507	+	+
UNQ8196	+	+
UNQ9109	+	+
UNQ100	+	+
UNQ178	+	+
UNQ1477	+	+
UNQ1839	+	+
UNQ2079	+	+
UNQ8782	+	+
UNQ9646	+	-
UNQ111	+	+
UNQ3079	+	+
UNQ8175	+	+
UNQ9509	+	+
UNQ10978	+	-
UNQ2103	+	+
UNQ1563	+	+
UNQ16188	+	+
UNQ13589	+	+
UNQ1078	+	+
UNQ879	+	+

**DECLARATION OF RANDY SCOTT, Ph.D. UNDER 37 C.F.R. § 1.132**

I, Randy Scott, Ph.D. declare and say as follows:

1. I hold a Bachelor or Science degree in Chemistry from Emporia State University and a Ph.D. in Biochemistry from the University of Kansas.

2. I am Chairman and Chief Executive Officer of Genomic Health, Inc., a life science company founded in August of 2000 located in Redwood City, California, conducting sophisticated genomic research to develop clinically validated molecular diagnostics, which provide individualized information on the likelihood of disease recurrence and response to certain types of therapy.

3. In 1991, I co-founded Incyte Pharmaceuticals, Inc., the world's first genomic information business. I served the company in multiple capacities, including Chairman of the Board from August 2000 to December 2001, President from January 1997 to August 2000, and Chief Scientific Officer from March 1995 to August 2000. Under my leadership, Incyte has created the LifeSeq Gold® gene sequence and expression database, an industry standard and the most comprehensive collection of biological information in the world. I have also led Incyte to expand its focus beyond gene sequence databases to include the research and application of gene expression, SNPs (single nucleotide polymorphisms), and proteomics.

4. I am an inventor on several issued patents, and authored over 40 scientific publications in the fields of protein biology, gene discovery, and cancer.

5. My Curriculum Vitae is attached to and serves part of this Declaration.

6. All statements made in this Declaration are based on my more than 15 years of personal experience with the DNA microarray technique and its various uses in the diagnostic and therapeutic fields, and my familiarity with the relevant art.

7. The DNA microarray technology is based on hybridizing arrayed nucleic acid probes of known identity with target nucleic acid to determine the identity and/or expression levels (abundance) of target genes. DNA microarrays work by exploiting the ability of a given

mRNA molecule to hybridize to the DNA template from which it originated. By using an array containing many DNA samples, scientists can determine, in a single experiment, the expression levels of hundreds or thousands of genes within a sample by measuring the amount of mRNA bound to each site on the array. The amount of mRNA bound to the spots on the microarray is precisely measured, generating a profile of gene expression in the sample.

---

8. DNA microarray analysis has been extensively used in drug development and in diagnosis of various diseases. For instance, if a certain gene is over-expressed in a particular form of cancer relative to normal tissue, researchers use microarray chips to determine whether a drug candidate will reduce over-expression, and thereby cause cancer remission. In addition, if a gene has been identified to be over-expressed in a certain disease, such as a certain type of cancer, it can be used to diagnose that disease. Due to its importance in drug discovery and in the field of diagnostics, microarray technology has not only become a laboratory mainstay but also created a world-wide market of over \$600 million in the year of 2005. A long line of companies, including Incyte, Affymetrix, Agilent, Applied Biosystems, and Amersham Biosciences, made microarray technology a core of their business.

9. Correlation between mRNA and protein levels can be assessed by a variety of methods suitable for measuring protein expression levels, including, for example, SDS-polyacrylamide gel electrophoresis (SDS-PAGE), two-dimensional fluorescence-difference gel electrophoresis (DIGE), mass spectrometric approaches, microsequencing, and a combination of these and similar known techniques, however, direct measurement of protein expression levels remains non-trivial.

10. One reason for the success and wide-spread use of the DNA microarray technique, which has led to the emergence of a new industry, is that generally there is a good correlation between mRNA levels determined by microarray analysis and expression levels of the translated protein. Although there are some exceptions on an individual gene basis, it has been a consensus in the scientific community that elevated mRNA levels are good predictors of increased abundance of the corresponding translated proteins in a particular tissue. Therefore, diagnostic markers and drug candidates can be readily and efficiently screened and identified using this technique, without the need to directly measure individual protein expression levels.

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Patent.

Date: August 11, 2006



Randy Scott, Ph.D.

SV 2202107 v1  
8/11/06 11:00 AM (39766.7000)

Randy W. Scott, Ph.D.  
Genomic Health  
301 Penobscot  
Redwood City, CA 94022

**EDUCATION:**

- 1979 B.S., Chemistry, Emporia State University, Emporia Kansas  
1983 Ph.D., Biochemistry, University of Kansas, Lawrence Kansas

**WORK EXPERIENCE:**

- 2000-present GENOMIC HEALTH, INC., Cofounder  
• Chairman & CEO (2000-present)  
Founded a new genomics company and raised over \$100 million to bring personalized medicine to clinical practice. Selected by Red Herring Magazine as one of the Top 100 private technology companies in North America in 2005
- 1991-2000 INCYTE, Cofounder  
• Chairman of the Board (2000-2001)  
Helped lead the transition to a new management team and transition to drug development  
• President and Chief Scientific Officer (1997-2000)  
Responsible for Research & Development, Operations, Marketing & Sales. Built the world's first genomic information business with peak sales of over \$200 million per year including 19 out of the world's top 20 pharmaceutical companies as subscribers  
• Vice President and Chief Scientific Officer (1991-1997)  
Built recombinant DNA therapeutic product portfolio and led the launch of the genomics business
- 1985-91 INVITRON CORPORATION  
• Sr. Director of Research (1998-1991)  
Responsible for Research & Development.  
• Director of Protein Biochemistry (1985-1988)  
Responsible for building the protein purification group for a cGMP manufacturing facility producing recombinant proteins, including monoclonal antibodies, tPA and Factor VIII.
- 1983-85 UNIGENE LABORATORIES, Fairfield, New Jersey  
• Sr. Scientist, Dept. of Protein Biochemistry  
Led effort to work on IgA proteases linked to meningococcal infections
- OTHER EXPERIENCE:  
2005-Present AMERICAN CLINICAL LABORATORY ASSOCIATION  
• Member, Board of Directors
- 1997-2000 DIADEXUS, INC., Cofounder  
• Member, Board of Directors (1997-2000)  
Worked with George Poste (CSO, SmithKline, Beecham) to establish a diagnostics joint venture between Incyte and SmithKline

**Awards:**

- 2001 Genome Technology Magazine 2001 All-Star  
1999 Forbes Magazine list of Biotech's Top 25 Influential Insiders  
1997 Ernst & Young/NASDAQ Silicon Valley Entrepreneur of the Year for Life Sciences  
1987 Small Business Innovation Research Grant Award (Principal Investigator): "Azurophil-Derived Bactericidal Factor" Grant # SSS-5 (K) 1R43AI24409-011987  
1983 Phillip Newmark Research Award, University of Kansas, 1983  
1982 Borgendale Graduate Seminar Award, University of Kansas.

**Publications:**

Low, D.A., Cunningham, D.D., Scott, R.W., and Baker, J.B., "Interactions of Serine Proteases with Human Fibroblasts: Regulation by Protease Nevin A Cellular Component with Similarities to Antithrombin III" in *Protease Nevin*, K. M. Eason, Ed., Marcel Dekker, 2002.

- Low, D.A., Scott, R.W., Baker J.B., and Cunningham, D.D., Cells Regulate their Mitogenic Response to Thrombin through Release of Protease Nexin. *Nature* 298, 476-478 (1982).
- Scott, R.W., "Purification, Characterization, and Functional Studies of Protease Nexin." Ph.D. Thesis, University of Kansas (1983).
- Scott, R.W., Eaton, D.L., Duran, N. and Baker, J.B. Regulation of Extracellular Plasminogen Activator by Human Fibroblasts. The Role of Protease Nexin. *J. Biol. Chem.* 258, 4397-4403 (1983).
- Scott, R.W., and Baker, J.B., Purification of Human Protease Nexin. *J. Biol. Chem.* 258, 10439-10444 (1983).
- Eaton, D.L., Scott, R.W., and Baker, J.B., Purification of Human Fibroblast Urokinase Proenzyme and Analysis of its Regulation by Proteases and Protease Nexin. *J. Biol. Chem.* 259, 6241-6247 (1984).
- Scott, R.W., Bergman, B., Bajpai, A., Hersh, R., Rodriguez, H., Jones, B.N., Barreda, C., Watts, S., and Baker, J.B. Protease Nexin: Properties and a Modified Purification Procedure. *J. Biol. Chem.* 7029-7034 (1985).
- Bergman, B.L., Scott, R.W., Bajpai, A., Watts, S., and Baker, J.B., Inhibition of Tumor-Cell Extracellular Matrix Destruction by a Fibroblast Proteinase Inhibitor, Protease Nexin I. *Proc. Natl. Acad. Sci.* 83, 996-1000 (1986).
- Cance, W.G., Wells, S.A., Dilley, W.G., Welch, M.J., Otsuka, F.L., Scott, R.W., and Davie, J.M., Unique Parathyroid Membrane Antigen(s): Radiolocalization with Specific Monoclonal Antibodies. *Surgical Forum* 37, 410-412 (1986).
- Scott, R.W., Duffy, S.A., Moellering, B.J., and Prior, C., Purification of Monoclonal Antibodies from Large-Scale Mammalian Cell Culture Perfusion Systems. *Biotechnology Progress* 3, 49-56 (1987).
- Baker, J.B., McGrogan, M., Simonsen, C.C., Scott, R.W., Gronke, R.S. and Honeyman, A., "Protease Nexin I. Structure and Potential Functions." In The Pharmacology and Toxicology of Proteins, Winkelhake, J.L., Holcenberg, J.S., eds., Alan R. Liss, Inc., New York, (1987).
- Scott R.W., "Large-scale Production of Biopharmaceuticals from Mammalian Cells" in Clinical Applications of Genetic Engineering (Larry C. Lasky and JoAnn Edwards-Moulds eds.) American Association of Blood Banks, Arlington, Virginia (1987).
- McGrogan, M., Kennedy, J., Li, M.P., Hsu, C., Scott, R.W., Simonsen, C.C., and Baker, J.B., Molecular Cloning and Expression of Two Forms of Human Protease Nexin I. *Bio/Technology* 6: 172 (1988).
- Otsuka FL, Cance WG, Dilley WG, Scott RW, Davie JM, Welch MJ, Wells SA Jr., Welch MJ A Potential New Radiopharmaceutical for Parathyroid Imaging: Radiolabeled Parathyroid-specific Monoclonal Antibody—I. Evaluation of 125-I-labeled Antibody in a Nude Mouse Model System. *Int. J. Rad. Appl. Instrum. B.* 15:305-11, 1988
- Otsuka FL, Cance WG, Dilley WG, Scott RW, Davie JM, Wells SA Jr., Welch MJ A Potential New Radiopharmaceutical for Parathyroid Imaging: Radiolabeled Parathyroid-specific Monoclonal Antibody—II. Comparison of 125-I and 111-In-labeled Antibodies. *Int. J. Rad. Appl. Instrum. B.* 15:305-11, 1988
- Prior, C.P., Doyle, K.R., Duffy, S.A., Hope, J.A., Moellering, B.J., Prior, G.M., Scott, R.W. and Tolbert, W.R. The Recovery of Highly Purified Biopharmaceuticals from Perfusion Cell Culture Bioreactors. *J. Parenteral Science and Technology* 43: 15-23 (1989).
- McGrogan, M., Simonsen, C., Scott, R., Griffith, J., Ellis, N., Kennedy, J., Campanelli, D., Nathan, C., and Gabay, J., Isolation of a Complementary DNA Clone Encoding a Precursor to Human Eosinophil Major Basic Protein. *J. Exp. Med.* 168: 2295-2308 (1988).
- Wilde, C.G., Griffith, J.E., Marra, M.N., Snable, J.L. and Scott R.W., Purification and Characterization of Human Neutrophil Peptide 4, a Novel Member of the Defensin Family. *J. Biol. Chem.* 264: 11200-11203 (1989).
- Gabay, J.E., Scott, R.W., Campanelli, D., Griffith, J., Wilde, C., Marra, M.N., Seeger, M., and Nathan, C.F., Antibiotic Proteins of Human Polymorphonuclear Leukocytes. *Proc. Natl. Acad. Sci.* 86: 5610-5614 (1989).
- Marra, M.N., Wilde, C.G., Griffith, J.E., Snable, J.L., and Scott R.W., Bactericidal/Permeability-Increasing Protein has Endotoxin Neutralizing Activity. *J. Immunol.* 144, 662-666 (1990)

Moellering, B.J., Tedesco, J.L., Scott, R.W., Townsend, R.R., Hardy, M.R., and Prior C.P. Molecular Differences Observed in a Monoclonal Antibody Expressed in Ascites Fluid, Serum-containing and Serum-free Cell Culture Conditions. *Biopharm.* pp. 30-38 February (1990).

McGrogan, M., Kennedy, J., Golini, F., Ashton, N., Dunn, F., Bell, K., Tate, E., Scott, R.W., and Simonsen, C.C., "Structure of the Human Protease Nexin Gene and Expression of Recombinant forms of PN-1." in Serine Proteases and Serpins in the Nervous System (B.W. Festoff ed.) pp.147-161 Plenum Press New York (1990).

Pereira, H.A., Spitznagel, J.K., Winton, E.F., Shafer, W.M., Martin, L.E., Guzman, G.S., Pohl, J., Scott, R.W., and Kinkade, J.M. Jr. The Ontogeny of a 57KD Cationic Antimicrobial Protein of Human Polymorphonuclear Leukocytes: Localization to a Novel Granule Population. *Blood* 76:825-834, 1990.

Evans DL, McGrogan M, Scott RW, Carrell RW, Protease Specificity and Heparin Binding and Activation of Recombinant Protease Nexin I, *J. Biol. Chem.* 266:22307-12, 1991

Marra, M.N., C.G. Wilde, M.S. Collins, J.L. Snable, M.B. Thornton, and R.W. Scott, The Role of Bactericidal/Permeability-Increasing Protein as a Natural Inhibitor of Bacterial Endotoxin. *J. of Immunol.* 148:532-537, 1992.

Scott R. W., Wilde C.G., Lane J.C., Snable, J.L., and Marra M.N., "Antimicrobial and Antiendotoxin Activities of Bactericidal/Permeability-Increasing Protein In Vitro and In Vivo" in Bacterial Endotoxin: Recognition and Effector Mechanisms (J. Levin, C.R. Alving, R.S. Munford, and P.L. Stutz eds.) pp. 373-377 Elsevier Science Publishers B.V. (1993)

Stevens, P., Scott R.W., Shatzen E.M., Recombinant Human Protease Nexin-I Prevents Articular Cartilage Degradation in the Rabbit Agents and Actions Suppl 39:173-7 in press 1993

Marra M.N., Thornton, M.B., Snable, J.L., Leong S., Lane J., Wilde C.G., and Scott R. W., Regulation of the Response to Bacterial Lipopolysaccharide by Endogenous and Exogenous Lipopolysaccharide Binding Proteins" *Blood Purif.* 11:134-140, 1993

Scott RW, Sequencing the Human Genome (letter), *Science* 30 260:606-7 1993

Marra M.N., Thornton M.B., Snable J.L., Wilde C.G., Scott R.W., Endotoxin-binding and -neutralizing Properties of Recombinant Bactericidal/Permeability-Increasing Protein and Monoclonal Antibodies HA-1A and E5 *Critical Care Medicine* 22:559-65, 1994

Fisher CJ Jr., Marra MN, Palardy JE, Marchbanks CR, Scott RW, Opal SM. Human Neutrophil Bactericidal/Permeability-Increasing Protein Reduces Mortality Rate from Endotoxin Challenge: a Placebo-Controlled Study. *Crit Care Med* 22:553-8, 1994

Rogy MA, Oldenburg HS, Calvano SE, Montegut WJ, Stackpole SA, Van Zee KJ, Marra MN, Scott RW, Seilhamer JJ, Moldawer LL. The Role of Bactericidal/Permeability-Increasing Protein in the Treatment of Primate Bacteremia and Septic Shock. *J Clin. Immunol.* 14: 120-33, 1994

Calvano SE, Thompson WA, Marra MN, Coyle SM, de Riesthal HF, Trousdale RK, Barie PS, Scott RW, Moldawer LL, Lowry SF, Changes in Polymorphonuclear Leukocyte Surface and Plasma Bactericidal/Permeability-Increasing Protein and Plasma Lipopolysaccharide Binding Protein During Endotoxemia or Sepsis. *Arch Surg.* 129:220-6, 1994

Wilde, G.G., Seilhamer, J.J., McGrogan, M., Ashton, N., Snable, J.L., Lane JC, Leong, SR, Thornton, MB, Miller, KL, Scott RW, and Marra, MN "Bactericidal/Permeability-Increasing Protein and Lipopolysaccharide (LPS)-Binding Protein: LPS Binding Properties and Effects on LPS-Mediated Cell Activation" *J. Biol. Chem.* 269:17411-17416, 1994

Wilde CG, Hawkins PR, Coleman RT, Levine WB, Deleagean AM, Okamoto PM, Ito LY, Scott RW, Seilhamer JJ, DNA Cell Biol. 13:711-8, 1994

Opal SM, Palardy JE, Marra MN, Fisher CJ Jr., McKelligan BM, Scott RW. *Lancet* 344:429-31 1994

Yang, JH, Marsters, S., Ashkenazi A., Bunting S, Marra MN, Scott RW, Baker JB Protection against endotoxic shock by Bactericidal/permeability-increasing Protein in Rats, *J. Clin. Invest.* 95:1947-52, 1995

Scott RW, Gene Patents and Other Genomic Inventions. Published Hearing before the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary House of Representatives, One Hundred Sixth Congress, Second Session, July 13, 2000 Serial No. 121, pp. 44-55 . U.S. Government Printing Office Washington, 2000

**Issued Patents:**

U.S. Patent # 4,898,826 Issued Feb. 6, 1990  
A Method for Solubilization of Tissue-Type Plasminogen Activator.

U.S. Patent # 5,006,252 Issued April 9, 1991  
Recombinant Purified Protease Nexin.

U.S. Patent #5,032,574 Issued July 16, 1991  
Novel Antimicrobial Peptide, Compositions Containing Same and Uses Thereof.

U.S. Patent #5,087,368 Issued Feb. 11, 1992  
Purified Protease Nexin

U.S. Patent #5,089,274 Issued Feb. 18, 1992  
Use of Bactericidal/Permeability Increasing Protein or Biologically Active Analogs Thereof to Treat Endotoxin-Related Disorders

U.S. Patent #5,112,608 Issued May 12, 1992  
Use of Protease Nexin-I to Mediate Wound Healing

U.S. Patent #5,171,739 Issued December 15, 1992  
Treatment of Endotoxin-Associated Shock and Prevention Thereof Using a BPI Protein

U.S. Patent #5,187,089 Issued Feb. 16, 1993  
Protease Nexin-I Variants Which Inhibit Elastase

U.S. Patent #5,196,196 Issued March 23, 1993  
Use of Protease Nexin-I in Wound Dressings

U.S. Patent #5,206,017 Issued Apr. 27, 1993  
Use of Protease Nexin-I as an Anti-inflammatory

U.S. Patent #5,210,027 Issued May 11, 1993  
DNA Encoding Novel Antimicrobial Polypeptide and Methods for Obtaining Such Polypeptide

U.S. Patent #5,278,049 Issued January 11, 1994  
Recombinant Molecule encoding Human Protease Nexin

U.S. Patent #5,234,912 Issued August 10, 1993  
Pharmaceutical Compositions Comprising Recombinant BPI Proteins and a Lipid Carrier and Uses Thereof

U.S. Patent #5,278,049 Issued January 11, 1994  
Recombinant Molecule encoding Human Protease Nexin

U.S. Patent #5,308,834 Issued May 3, 1994  
Treatment of Endotoxin-Associated Shock and Prevention Thereof Using BPI Protein

U.S. Patent #5,326,562 Issued July 5, 1994  
Pharmaceutical Dosage Unit for Treating Inflammation Comprising Protease Nexin-I

U.S. Patent #5,234,912 Issued August 10, 1993  
Pharmaceutical Compositions Comprising Recombinant BPI Proteins and a Lipid Carrier and Uses

U.S. Patent #5,278,049 Issued January 11, 1994  
Recombinant Molecule Encoding Human Protease Nexin

U.S. Patent #5,326,562 Issued July 5, 1994  
Pharmaceutical Dosage Unit for Treating Inflammation Comprising Protease Nexin-I

**Recombinant, Non-Glycosylated BPI Protein and Uses Thereof**

**U.S. Patent #5,457,090      Issued October 10, 1995**  
**Protease Nexin-I Variants**

**U.S. Patent #5,470,825      Issued November 28, 1995**  
**Basophil Granule Proteins**

**U.S. Patent #5,476,839      Issued December 19, 1995**  
**Basophil Granule Proteins**

**U.S. Patent #5,495,001      Issued February 27, 1996**  
**Recombinant Purified Protease Nexin**

**U.S. Patent #5,747,283      Issued May 5, 1998**  
**Basophil Granule Proteins**

**U.S. Patent #5,770,694      Issued June 23, 1998**  
**Genetically Engineered BPI Variant Proteins**

**U.S. Patent #5,840,484      Issued November 24, 1998**  
**Comparative Gene Transcript Analysis**

**U.S. Patent #6,114,114      Issued September 5, 2000**  
**Comparative Gene Transcript Analysis**

**U.S. Patent #6,093,801      Issued July 25, 2000**  
**Recombinant Analogs of Bactericidal/Permeability Increasing Protein**

**U.S. Patent #6,160,104      Issued December 12, 2000**  
**Markers for Peroxisomal Proliferators**

**U.S. Patent #6,160,105      Issued December 12, 2000**  
**Monitoring Toxicological Responses**

**U.S. Patent #6,265,187      Issued July 24, 2001**  
**Recombinant Endotoxin Neutralizing Proteins**

**U.S. Patent #6,403,778      Issued June 11, 2002**  
**Toxicological Response Markers**

**U.S. Patent #6,372,431      Issued April 16, 2002**  
**Mammalian Toxicological Response Markers**

**U.S. Patent #6,553,317      Issued April 22, 2003**  
**Relational database and system for storing information relating to biomolecular sequences and reagents**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ashkenazi et al.

Group Art Unit 1647

App. No. : 09/903,925

## CERTIFICATE OF EXPRESS MAILING

Filed : July 11, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, Washington D.C. 20231 on:

For : SECRETED AND  
TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME

Examiner : Hamud, Fozia M

(Date)

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF AVI ASHKENAZI, Ph.D UNDER 37 C.F.R. § 1.132

I, Avi Ashkenazi, Ph.D. declare and say as follows: -

1. I am Director and Staff Scientist at the Molecular Oncology Department of Genentech, Inc., South San Francisco, CA 94080.
2. I joined Genentech in 1988 as a postdoctoral fellow. Since then, I have investigated a variety of cellular signal transduction mechanisms, including apoptosis, and have developed technologies to modulate such mechanisms as a means of therapeutic intervention in cancer and autoimmune disease. I am currently involved in the investigation of a series of secreted proteins over-expressed in tumors, with the aim to identify useful targets for the development of therapeutic antibodies for cancer treatment.
3. My scientific Curriculum Vitae, including my list of publications, is attached to and forms part of this Declaration (Exhibit A).
4. Gene amplification is a process in which chromosomes undergo changes to contain multiple copies of certain genes that normally exist as a single copy, and is an important factor in the pathophysiology of cancer. Amplification of certain genes (e.g., Myc or Her2/Neu)

gives cancer cells a growth or survival advantage relative to normal cells, and might also provide a mechanism of tumor cell resistance to chemotherapy or radiotherapy.

5. If gene amplification results in over-expression of the mRNA and the corresponding gene product, then it identifies that gene product as a promising target for cancer therapy, for example by the therapeutic antibody approach. Even in the absence of over-expression of the gene product, amplification of a cancer marker gene - as detected, for example, by the reverse transcriptase TaqMan® PCR or the fluorescence *in situ* hybridization (FISH) assays - is useful in the diagnosis or classification of cancer, or in predicting or monitoring the efficacy of cancer therapy. An increase in gene copy number can result not only from intrachromosomal changes but also from chromosomal aneuploidy. It is important to understand that detection of gene amplification can be used for cancer diagnosis even if the determination includes measurement of chromosomal aneuploidy. Indeed, as long as a significant difference relative to normal tissue is detected, it is irrelevant if the signal originates from an increase in the number of gene copies per chromosome and/or an abnormal number of chromosomes.

6. I understand that according to the Patent Office, absent data demonstrating that the increased copy number of a gene in certain types of cancer leads to increased expression of its product, gene amplification data are insufficient to provide substantial utility or well established utility for the gene product (the encoded polypeptide), or an antibody specifically binding the encoded polypeptide. However, even when amplification of a cancer marker gene does not result in significant over-expression of the corresponding gene product, this very absence of gene product over-expression still provides significant information for cancer diagnosis and treatment. Thus, if over-expression of the gene product does not parallel gene amplification in certain tumor types but does so in others, then parallel monitoring of gene amplification and gene product over-expression enables more accurate tumor classification and hence better determination of suitable therapy. In addition, absence of over-expression is crucial information for the practicing clinician. If a gene is amplified but the corresponding gene product is not over-expressed, the clinician accordingly will decide not to treat a patient with agents that target that gene product.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that wilful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

By: Avi Ashkenazi  
Avi Ashkenazi, Ph.D.

Date: 9/15/03

SV 455281 v1  
9/12/03 3:06 PM (39780.7000)

**CURRICULUM VITAE****Avi Ashkenazi**

July 2003

**Personal:**

Date of birth: 29 November, 1956  
Address: 1456 Tarrytown Street, San Mateo, CA 94402  
Phone: (650) 578-9199 (home); (650) 225-1853 (office)  
Fax: (650) 225-6443 (office)  
Email: aa@gene.com

**Education:**

1983: B.S. in Biochemistry, with honors, Hebrew University, Israel  
1986: Ph.D. in Biochemistry, Hebrew University, Israel

**Employment:**

1983-1986: Teaching assistant, undergraduate level course in Biochemistry  
1985-1986: Teaching assistant, graduate level course on Signal Transduction  
1986 - 1988: Postdoctoral fellow, Hormone Research Dept., UCSF, and  
Developmental Biology Dept., Genentech, Inc., with J. Ramachandran  
1988 - 1989: Postdoctoral fellow, Molecular Biology Dept., Genentech, Inc.,  
with D. Capon  
1989 - 1993: Scientist, Molecular Biology Dept., Genentech, Inc.  
1994 -1996: Senior Scientist, Molecular Oncology Dept., Genentech, Inc.  
1996-1997: Senior Scientist and Interim director, Molecular Oncology Dept.,  
Genentech, Inc.  
1997-1990: Senior Scientist and preclinical project team leader, Genentech, Inc.  
1999 -2002: Staff Scientist in Molecular Oncology, Genentech, Inc.  
2002-present: Staff Scientist and Director in Molecular Oncology, Genentech, Inc.

**Awards:**

1988: First prize, The Boehringer Ingelheim Award

**Editorial:**

Editorial Board Member: Current Biology  
Associate Editor, Clinical Cancer Research.  
Associate Editor, Cancer Biology and Therapy.

**Refereed papers:**

1. Gertler, A., Ashkenazi, A., and Madar, Z. Binding sites for human growth hormone and ovine and bovine prolactins in the mammary gland and liver of the lactating cow. *Mol. Cell. Endocrinol.* 34, 51-57 (1984).
2. Gertler, A., Shamay, A., Cohen, N., Ashkenazi, A., Friesen, H., Levanon, A., Gorecki, M., Aviv, H., Hadari, D., and Vogel, T. Inhibition of lactogenic activities of ovine prolactin and human growth hormone (hGH) by a novel form of a modified recombinant hGH. *Endocrinology* 118, 720-726 (1986).
3. Ashkenazi, A., Madar, Z., and Gertler, A. Partial purification and characterization of bovine mammary gland prolactin receptor. *Mol. Cell. Endocrinol.* 50, 79-87 (1987).
4. Ashkenazi, A., Pines, M., and Gertler, A. Down-regulation of lactogenic hormone receptors in Nb2 lymphoma cells by cholera toxin. *Biochemistry International* 14, 1065-1072 (1987).
5. Ashkenazi, A., Cohen, R., and Gertler, A. Characterization of lactogen receptors in lactogenic hormone-dependent and independent Nb2 lymphoma cell lines. *FEBS Lett.* 210, 51-55 (1987).
6. Ashkenazi, A., Vogel, T., Barash, I., Hadari, D., Levanon, A., Gorecki, M., and Gertler, A. Comparative study on *in vitro* and *in vivo* modulation of lactogenic and somatotropic receptors by native human growth hormone and its modified recombinant analog. *Endocrinology* 121, 414-419 (1987).
7. Peralta, E., Winslow, J., Peterson, G., Smith, D., Ashkenazi, A., Ramachandran, J., Schimerlik, M., and Capon, D. Primary structure and biochemical properties of an M2 muscarinic receptor. *Science* 236, 600-605 (1987).
8. Peralta, E. Ashkenazi, A., Winslow, J., Smith, D., Ramachandran, J., and Capon, D. J. Distinct primary structures, ligand-binding properties and tissue-specific expression of four human muscarinic acetylcholine receptors. *EMBO J.* 6, 3923-3929 (1987).
9. Ashkenazi, A., Winslow, J., Peralta, E., Peterson, G., Schimerlik, M., Capon, D., and Ramachandran, J. An M2 muscarinic receptor subtype coupled to both adenylyl cyclase and phosphoinositide turnover. *Science* 238, 672-675 (1987).

10. Pincs, M., Ashkenazi, A., Cohen-Chapnik, N., Binder, L., and Gertler, A. Inhibition of the proliferation of Nb2 lymphoma cells by femtomolar concentrations of cholera toxin and partial reversal of the effect by 12-o-tetradecanoyl-phorbol-13-acetate. *J. Cell. Biochem.* 37, 119-129 (1988).
11. Peralta, E., Ashkenazi, A., Winslow, J., Ramachandran, J., and Capon, D. Differential regulation of PI hydrolysis and adenylyl cyclase by muscarinic receptor subtypes. *Nature* 334, 434-437 (1988).
12. Ashkenazi, A., Peralta, E., Winslow, J., Ramachandran, J., and Capon, D. Functionally distinct G proteins couple different receptors to PI hydrolysis in the same cell. *Cell* 56, 487-493 (1989).
13. Ashkenazi, A., Ramachandran, J., and Capon, D. Acetylcholine analogue stimulates DNA synthesis in brain-derived cells via specific muscarinic acetylcholine receptor subtypes. *Nature* 340, 146-150 (1989).
14. Lammiere, D., Ashkenazi, A., Fleury, S., Smith, D., Sekaly, R., and Capon, D. The MHC-binding and gp120-binding domains of CD4 are distinct and separable. *Science* 245, 743-745 (1989).
15. Ashkenazi, A., Presta, L., Marsters, S., Camerato, T., Rosenthal, K., Fendly, B., and Capon, D. Mapping the CD4 binding site for human immunodeficiency virus type 1 by alanine-scanning mutagenesis. *Proc. Natl. Acad. Sci. USA.* 87, 7150-7154 (1990).
16. Chamow, S., Peers, D., Byrn, R., Mulkerin, M., Harris, R., Wang, W., Bjorkman, P., Capon, D., and Ashkenazi, A.. Enzymatic cleavage of a CD4 immunoadhesin generates crystallizable, biologically active Fd-like fragments. *Biochemistry* 29, 9885-9891 (1990).
17. Ashkenazi, A., Smith, D., Marsters, S., Riddle, L., Gregory, T., Ho, D., and Capon, D. Resistance of primary isolates of human immunodeficiency virus type 1 to soluble CD4 is independent of CD4-rgp120 binding affinity. *Proc. Natl. Acad. Sci. USA.* 88, 7056-7060 (1991).
18. Ashkenazi, A., Marsters, S., Capon, D., Chamow, S., Figari, I., Pennica, D., Goeddel, D., Palladino, M., and Smith, D. Protection against endotoxic shock by a tumor necrosis factor receptor immunoadhesin. *Proc. Natl. Acad. Sci. USA.* 88, 10535-10539 (1991).
19. Moore, J., McKeating, J., Huang, Y., Ashkenazi, A., and Ho, D. Virions of primary HIV-1 isolates resistant to sCD4 neutralization differ in sCD4 affinity and glycoprotein gp120 retention from sCD4-sensitive isolates. *J. Virol.* 66, 235-243 (1992).

20. Jin, H., Oksenberg, D., Ashkenazi, A., Peroutka, S., Duncan, A., Rozmahel, R., Yang, Y., Mengod, G., Palacios, J., and O'Dowd, B. Characterization of the human 5-hydroxytryptamine<sub>1B</sub> receptor. *J. Biol. Chem.* 267, 5735-5738 (1992).
21. Marsters, A., Frutkin, A., Simpson, N., Fendly, B. and Ashkenazi, A.. Identification of cysteine-rich domains of the type I tumor necrosis receptor involved in ligand binding. *J. Biol. Chem.* 267, 5747-5750 (1992).
22. Chamow, S., Kogan, T., Peers, D., Hastings, R., Byrn, R., and Ashkenazi, A.. Conjugation of sCD4 without loss of biological activity via a novel carbohydrate-directed cross-linking reagent. *J. Biol. Chem.* 267, 15916-15922 (1992).
23. Oksenberg, D., Marsters, A., O'Dowd, B., Jin, H., Havlik, S., Peroutka, S., and Ashkenazi, A.. A single amino-acid difference confers major pharmacologic variation between human and rodent 5-HT<sub>1B</sub> receptors. *Nature* 360, 161-163 (1992).
24. Haak-Frendscho, M., Marsters, S., Chamow, S., Peers, D., Simpson, N., and Ashkenazi, A.. Inhibition of interferon  $\gamma$  by an interferon  $\gamma$  receptor immunoadhesin. *Immunology* 79, 594-599 (1993).
25. Penica, D., Lam, V., Weber, R., Kohr, W., Basa, L., Spellman, M., Ashkenazi, A., Shire, S., and Goeddel, D. Biochemical characterization of the extracellular domain of the 75-kd tumor necrosis factor receptor. *Biochemistry* 32, 3131-3138. (1993).
26. Barfod, L., Zheng, Y., Kuang, W., Hart, M., Evans, T., Cerione, R., and Ashkenazi, A.. Cloning and expression of a human CDC42 GTPase Activating Protein reveals a functional SH3-binding domain. *J. Biol. Chem.* 268, 26059-26062 (1993).
27. Chamow, S., Zhang, D., Tan, X., Mhtre, S., Marsters, S., Peers, D., Byrn, R., Ashkenazi, A., and Yunghans, R. A humanized bispecific immunoadhesin-antibody that retargets CD3+ effectors to kill HIV-1-infected cells. *J. Immunol.* 153, 4268-4280 (1994).
28. Means, R., Krantz, S., Luna, J., Marsters, S., and Ashkenazi, A.. Inhibition of murine erythroid colony formation in vitro by interferon  $\gamma$  and correction by interferon  $\gamma$  receptor immunoadhesin. *Blood* 83, 911-915 (1994).
29. Haak-Frendscho, M., Marsters, S., Mordenti, J., Gillet, N., Chen, S., and Ashkenazi, A.. Inhibition of TNF by a TNF receptor immunoadhesin: comparison with an anti-TNF mAb. *J. Immunol.* 152, 1347-1353 (1994).

30. Chamow, S., Kogan, T., Venuti, M., Gadek, T., Peers, D., Mordenti, J., Shak, S., and Ashkenazi, A. Modification of CD4 immunoadhesin with monomethoxy-PEG aldehyde via reductive alkylation. *Bioconj. Chem.* 5, 133-140 (1994).
31. Jin, H., Yang, R., Marsters, S., Bunting, S., Wurm, F., Chamow, S., and Ashkenazi, A. Protection against rat endotoxic shock by p55 tumor necrosis factor (TNF) receptor immunoadhesin: comparison to anti-TNF monoclonal antibody. *J. Infect. Diseases* 170, 1323-1326 (1994).
32. Beck, J., Marsters, S., Harris, R., Ashkenazi, A., and Chamow, S. Generation of soluble interleukin-1 receptor from an immunoadhesin by specific cleavage. *Mol. Immunol.* 31, 1335-1344 (1994).
33. Pitti, B., Marsters, S., Haak-Frendscho, M., Osaka, G., Mordenti, J., Chamow, S., and Ashkenazi, A. Molecular and biological properties of an interleukin-1 receptor immunoadhesin. *Mol. Immunol.* 31, 1345-1351 (1994).
34. Oksenborg, D., Havlik, S., Peroutka, S., and Ashkenazi, A. The third intracellular loop of the 5-HT<sub>2</sub> receptor specifies effector coupling. *J. Neurochem.* 64, 1440-1447 (1995).
35. Bach, E., Szabo, S., Dighe, A., Ashkenazi, A., Aguet, M., Murphy, K., and Schreiber, R. Ligand-induced autoregulation of IFN- $\gamma$  receptor  $\beta$  chain expression in T helper cell subsets. *Science* 270, 1215-1218 (1995).
36. Jin, H., Yang, R., Marsters, S., Ashkenazi, A., Bunting, S., Marra, M., Scott, R., and Baker, J. Protection against endotoxic shock by bactericidal/permeability-increasing protein in rats. *J. Clin. Invest.* 95, 1947-1952 (1995).
37. Marsters, S., Penica, D., Bach, E., Schreiber, R., and Ashkenazi, A. Interferon  $\gamma$  signals via a high-affinity multisubunit receptor complex that contains two types of polypeptide chain. *Proc. Natl. Acad. Sci. USA* 92, 5401-5405 (1995).
38. Van Zee, K., Moldawer, L., Oldenburg, H., Thompson, W., Stackpole, S., Montcugut, W., Rogy, M., Meschter, C., Gallati, H., Schiller, C., Richter, W., Loetcher, H., Ashkenazi, A., Chamow, S., Wurm, F., Calvano, S., Lowry, S., and Lesslauer, W. Protection against lethal *E. coli* bacteremia in baboons by pretreatment with a 55-kDa TNF receptor-Ig fusion protein, Ro45-2081. *J. Immunol.* 156, 2221-2230 (1996).
39. Pitti, R., Marsters, S., Ruppert, S., Donahue, C., Moore, A., and Ashkenazi, A. Induction of apoptosis by Apo-2 Ligand, a new member of the tumor necrosis factor cytokine family. *J. Biol. Chem.* 271, 12687-12690 (1996).

40. Marsters, S., Pitti, R., Donahue, C., Rupert, S., Bauer, K., and Ashkenazi, A. Activation of apoptosis by Apo-2 ligand is independent of FADD but blocked by CtnA. *Curr. Biol.* 6, 1669-1676 (1996).
41. Marsters, S., Skubatch, M., Gray, C., and Ashkenazi, A. Herpesvirus entry mediator, a novel member of the tumor necrosis factor receptor family, activates the NF- $\kappa$ B and AP-1 transcription factors. *J. Biol. Chem.* 272, 14029-14032 (1997).
42. Sheridan, J., Marsters, S., Pitti, R., Gurney, A., Skubatch, M., Baldwin, D., Ramakrishnan, L., Gray, C., Baker, K., Wood, W.I., Goddard, A., Godowski, P., and Ashkenazi, A. Control of TRAIL-induced apoptosis by a family of signaling and decoy receptors. *Science* 277, 818-821 (1997).
43. Marsters, S., Sheridan, J., Pitti, R., Gurney, A., Skubatch, M., Baldwin, D., Huang, A., Yuan, J., Goddard, A., Godowski, P., and Ashkenazi, A. A novel receptor for Apo2L/TRAIL contains a truncated death domain. *Curr. Biol.* 7, 1003-1006 (1997).
44. Marsters, A., Sheridan, J., Pitti, R., Brush, J., Goddard, A., and Ashkenazi, A. Identification of a ligand for the death-domain-containing receptor Apo3. *Curr. Biol.* 8, 525-528 (1998).
45. Rieger, J., Naumann, U., Glaser, T., Ashkenazi, A., and Weller, M. Apo2 ligand: a novel weapon against malignant glioma? *FEBS Lett.* 427, 124-128 (1998).
46. Pender, S., Fell, J., Chamow, S., Ashkenazi, A., and MacDonald, T. A p55 TNF receptor immunoadhesin prevents T cell mediated intestinal injury by inhibiting matrix metalloproteinase production. *J. Immunol.* 160, 4098-4103 (1998).
47. Pitti, R., Marsters, S., Lawrence, D., Roy, Kischkel, F., M., Dowd, P., Huang, A., Donahue, C., Sherwood, S., Baldwin, D., Godowski, P., Wood, W., Gurney, A., Hillan, K., Cohen, R., Goddard, A., Botstein, D., and Ashkenazi, A. Genomic amplification of a decoy receptor for Fas ligand in lung and colon cancer. *Nature* 396, 699-703 (1998).
48. Mori, S., Marakami-Mori, K., Nakamura, S., Ashkenazi, A., and Bonavida, B. Sensitization of AIDS Kaposi's sarcoma cells to Apo-2 ligand-induced apoptosis by actinomycin D. *J. Immunol.* 162, 5616-5623 (1999).
49. Gurney, A. Marsters, S., Huang, A., Pitti, R., Mark, M., Baldwin, D., Gray, A., Dowd, P., Brush, J., Heldens, S., Schow, P., Goddard, A., Wood, W., Baker, K., Godowski, P., and Ashkenazi, A. Identification of a new member of the tumor necrosis factor family and its receptor, a human ortholog of mouse GITR. *Curr. Biol.* 9, 215-218 (1999).

50. Ashkenazi, A., Pai, R., Fong, S., Leung, S., Lawrence, D., Marsters, S., Blackie, C., Chang, L., McMurtrey, A., Hebert, A., DeForge, L., Khoumenis, I., Lewis, D., Harris, L., Bussiere, J., Koeppen, H., Shahrokh, Z., and Schwall, R. Safety and anti-tumor activity of recombinant soluble Apo2 ligand. *J. Clin. Invest.* 104, 155-162 (1999).
51. Chunthrapai, A., Gibbs, V., Lu, J., Ow, A., Marsters, S., Ashkenazi, A., De Vos, A., Kim, K.J. Determination of residues involved in ligand binding and signal transmission in the human IFN- $\alpha$  receptor 2. *J. Immunol.* 163, 766-773 (1999).
52. Johnsen, A.-C., Haux, J., Steinkjer, B., Nonstad, U., Egeberg, K., Sundan, A., Ashkenazi, A., and Espenvik, T. Regulation of Apo2L/TRAIL expression in NK cells - involvement in NK cell-mediated cytotoxicity. *Cytokine* 11, 664-672 (1999).
53. Roth, W., Isenmann, S., Naumann, U., Kugler, S., Bahr, M., Dichgans, J., Ashkenazi, A., and Weller, M. Eradication of intracranial human malignant glioma xenografts by Apo2L/TRAIL. *Biochem. Biophys. Res. Commun.* 265, 479-483 (1999).
54. Hymowitz, S.G., Christinger, H.W., Fuhr, G., Ultsch, M., O'Connell, M., Kelley, R.F., Ashkenazi, A., and de Vos, A.M. Triggering Cell Death: The Crystal Structure of Apo2L/TRAIL in a Complex with Death Receptor 5. *Molec. Cell* 4, 563-571 (1999).
55. Hymowitz, S.G., O'Connel, M.P., Utsch, M.H., Hurst, A., Totpal, K., Ashkenazi, A., de Vos, A.M., Kelley, R.F. A unique zinc-binding site revealed by a high-resolution X-ray structure of homotrimeric Apo2L/TRAIL. *Biochemistry* 39, 633-640 (2000).
56. Zhou, Q., Fukushima, P., DeGraff, W., Mitchell, J.B., Stetler-Stevenson, M., Ashkenazi, A., and Steeg, P.S. Radiation and the Apo2L/TRAIL apoptotic pathway preferentially inhibit the colonization of premalignant human breast cancer cells overexpressing cyclin D1. *Cancer Res.* 60, 2611-2615 (2000).
57. Kischkel, F.C., Lawrence, D. A., Chunthrapai, A., Schow, P., Kim, J., and Ashkenazi, A. Apo2L/TRAIL-dependent recruitment of endogenous FADD and Caspase-8 to death receptors 4 and 5. *Immunity* 12, 611-620 (2000).
58. Yan, M., Marsters, S.A., Grewal, I.S., Wang, H., \*Ashkenazi, A., and \*Dixit, V.M. Identification of a receptor for BlyS demonstrates a crucial role in humoral immunity. *Nature Immunol.* 1, 37-41 (2000).

59. Marsters, S.A., Yan, M., Pitti, R.M., Haas, P.E., Dixit, V.M., and Ashkenazi, A. Interaction of the TNF homologues BLyS and APRIL with the TNF receptor homologues BCMA and TACI. *Curv. Biol.* 10, 785-788 (2000).
60. Kischkel, F.C., and Ashkenazi, A. Combining enhanced metabolic labeling with immunoblotting to detect interactions of endogenous cellular proteins. *Biotechniques* 29, 506-512 (2000).
61. Lawrence, D., Shahrokh, Z., Marsters, S., Achilles, K., Shih, D., Mounho, B., Hillan, K., Totpal, K., DeForge, L., Schow, P., Hooley, J., Sherwood, S., Pai, R., Leung, S., Khan, L., Gliniak, B., Bussiere, J., Smith, C., Strom, S., Kelley, S., Fox, J., Thomas, D., and Ashkenazi, A. Differential hepatocyte toxicity of recombinant Apo2L/TRAIL versions. *Nature Med.* 7, 383-385 (2001).
62. Chuntharapai, A., Dodge, K., Grimmer, K., Schroeder, K., Martsters, S.A., Koeppen, H., Ashkenazi, A., and Kim, K.J. Isotype-dependent inhibition of tumor growth *in vivo* by monoclonal antibodies to death receptor 4. *J. Immunol.* 166, 4891-4898 (2001).
63. Pollack, I.F., Erff, M., and Ashkenazi, A. Direct stimulation of apoptotic signaling by soluble Apo2L/tumor necrosis factor-related apoptosis-inducing ligand leads to selective killing of glioma cells. *Clin. Cancer Res.* 7, 1362-1369 (2001).
64. Wang, H., Marsters, S.A., Baker, T., Chan, B., Lee, W.P., Fu, L., Tumas, D., Yan, M., Dixit, V.M., \*Ashkenazi, A., and \*Grewal, I.S. TACI-ligand interactions are required for T cell activation and collagen-induced arthritis in mice. *Nature Immunol.* 2, 632-637 (2001).
65. Kischkel, F.C., Lawrence, D. A., Tinel, A., Virmani, A., Schow, P., Gazdar, A., Blenis, J., Arnott, D., and Ashkenazi, A. Death receptor recruitment of endogenous caspase-10 and apoptosis initiation in the absence of caspase-8. *J. Biol. Chem.* 276, 46639-46646 (2001).
66. LeBlanc, H., Lawrence, D.A., Varfolomeev, E., Totpal, K., Morlan, J., Schow, P., Fong, S., Schwall, R., Sinicropi, D., and Ashkenazi, A. Tumor cell resistance to death receptor induced apoptosis through mutational inactivation of the proapoptotic Bcl-2 homolog Bax. *Nature Med.* 8, 274-281 (2002).
67. Miller, K., Meng, G., Liu, J., Hurst, A., Hsei, V., Wong, W.-L., Ekert, R., Lawrence, D., Sherwood, S., DeForge, L., Gaudreault, Keller, G., Sliwkowski, M., Ashkenazi, A., and Presta, L. Design, Construction, and analyses of multivalent antibodies. *J. Immunol.* 170, 4854-4861 (2003).

68. Varfolomeev, E., Kischkel, F., Martin, F., Wanh, H., Lawrence, D., Olsson, C., Torn, L., Erickson, S., French, D., Schow, P., Grewal, I. and Ashkenazi, A.. Immune system development in APRIL knockout mice. Submitted.

**Review articles:**

1. Ashkenazi, A., Peralta, E., Winslow, J., Ramachandran, J., and Capon, D. J. Functional role of muscarinic acetylcholine receptor subtype diversity. *Cold Spring Harbor Symposium on Quantitative Biology*. LIII, 263-272 (1988).
2. Ashkenazi, A., Peralta, E., Winslow, J., Ramachandran, J., and Capon, D. Functional diversity of muscarinic receptor subtypes in cellular signal transduction and growth. *Trends Pharmacol. Sci.* Dec Supplement, 12-21 (1989).
3. Chamow, S., Duliège, A., Ammann, A., Kahn, J., Allen, D., Eichberg, J., Byrn, R., Capon, D., Ward, R., and Ashkenazi, A.. CD4 immunoadhesins in anti-HIV therapy: new developments. *Int. J. Cancer* Supplement 7, 69-72 (1992).
4. Ashkenazi, A., Capon, and D. Ward, R. Immunoadhesins. *Int. Rev. Immunol.* 10, 217-225 (1993).
5. Ashkenazi, A., and Peralta, E. Muscarinic Receptors. In *Handbook of Receptors and Channels*. (S. Peroutka, ed.), CRC Press, Boca Raton, Vol. I, p. 1-27, (1994).
6. Krantz, S. B., Means, R. T., Jr., Lina, J., Marsters, S. A., and Ashkenazi, A.. Inhibition of erythroid colony formation in vitro by gamma interferon. In *Molecular Biology of Hematopoiesis* (N. Abraham, R. Shadduck, A. Levine F. Takaku, eds.) Intercept Ltd. Paris, Vol. 3, p. 135-147 (1994).
7. Ashkenazi, A. Cytokine neutralization as a potential therapeutic approach for SIRS and shock. *J. Biotechnology in Healthcare* 1, 197-206 (1994).
8. Ashkenazi, A., and Chamow, S. M. Immunoadhesins: an alternative to human monoclonal antibodies. *Immunomethods: A companion to Methods in Enzymology* 8, 104-115 (1995).
9. Chamow, S., and Ashkenazi, A. Immunoadhesins: Principles and Applications. *Trends Biotech.* 14, 52-60 (1996).
10. Ashkenazi, A., and Chamow, S. M. Immunoadhesins as research tools and therapeutic agents. *Curr. Opin. Immunol.* 9, 195-200 (1997).
11. Ashkenazi, A., and Dixit, V. Death receptors: signalling and modulation. *Science* 281, 1305-1308 (1998).
12. Ashkenazi, A., and Dixit, V. Apoptosis control by death and decoy receptors. *Curr. Opin. Cell. Biol.* 11, 255-260 (1999).

13. Ashkenazi, A. Chapters on Apo2L/TRAIL; DR4, DR5, DcR1, DcR2; and DcR3. Online Cytokine Handbook ([www.apnet.com/cytokineresources/](http://www.apnet.com/cytokineresources/)).
14. Ashkenazi, A. Targeting death and decoy receptors of the tumor necrosis factor superfamily. *Nature Rev. Cancer* 2, 420-430 (2002).
15. LeBlanc, H. and Ashkenazi, A. Apoptosis signaling by Apo2L/TRAIL. *Cell Death and Differentiation* 10, 66-75 (2003).
16. Almasan, A. and Ashkenazi, A. Apo2L/TRAIL: apoptosis signaling, biology, and potential for cancer therapy. *Cytokine and Growth Factor Reviews* 14, 337-348 (2003).

**Book:**

Antibody Fusion Proteins (Chamow, S., and Ashkenazi, A., eds., John Wiley and Sons Inc.) (1999).

**Talks:**

1. Resistance of primary HIV isolates to CD4 is independent of CD4-gp120 binding affinity. UCSD Symposium, HIV Disease: Pathogenesis and Therapy. Greenelefe, FL, March 1991.
2. Use of immuno-hybrids to extend the half-life of receptors. IBC conference on Biopharmaceutical Halflife Extension. New Orleans, LA, June 1992.
3. Results with TNF receptor Immunoadhesins for the Treatment of Sepsis. IBC conference on Endotoxemia and Sepsis. Philadelphia, PA, June 1992.
4. Immunoadhesins: an alternative to human antibodies. IBC conference on Antibody Engineering. San Diego, CA, December 1993.
5. Tumor necrosis factor receptor: a potential therapeutic for human septic shock. American Society for Microbiology Meeting, Atlanta, GA, May 1993.
6. Protective efficacy of TNF receptor immunoadhesin vs anti-TNF monoclonal antibody in a rat model for endotoxic shock. 5th International Congress on TNF. Asilomar, CA, May 1994.
7. Interferon- $\gamma$  signals via a multisubunit receptor complex that contains two types of polypeptide chain. American Association of Immunologists Conference. San Francisco, CA, July 1995.
8. Immunoadhesins: Principles and Applications. Gordon Research Conference on Drug Delivery in Biology and Medicine. Ventura, CA, February 1996.

9. Apo-2 Ligand, a new member of the TNF family that induces apoptosis in tumor cells. Cambridge Symposium on TNF and Related Cytokines in Treatment of Cancer. Hilton-Head, NC, March 1996.
10. Induction of apoptosis by Apo2 Ligand. American Society for Biochemistry and Molecular Biology, Symposium on Growth Factors and Cytokine Receptors. New Orleans, LA, June, 1996.
11. Apo2 ligand, an extracellular trigger of apoptosis. 2nd Clontech Symposium, Palo Alto, CA, October 1996.
12. Regulation of apoptosis by members of the TNF ligand and receptor families. Stanford University School of Medicine, Palo Alto, CA, December 1996.
13. Apo-3: a novel receptor that regulates cell death and inflammation. 4th International Congress on Immune Consequences of Trauma, Shock, and Sepsis. Munich, Germany, March 1997.
14. New members of the TNF ligand and receptor families that regulate apoptosis, inflammation, and immunity. UCLA School of Medicine, LA, CA, March 1997.
15. Immunoadhesins: an alternative to monoclonal antibodies. 5th World Conference on Bispecific Antibodies. Volendam, Holland, June 1997.
16. Control of Apo2L signaling. Cold Spring Harbor Laboratory Symposium on Programmed Cell Death. Cold Spring Harbor, New York. September, 1997.
17. Chairman and speaker, Apoptosis Signaling session. IBC's 4th Annual Conference on Apoptosis. San Diego, CA., October 1997.
18. Control of Apo2L signaling by death and decoy receptors. American Association for the Advancement of Science. Philadelphia, PA, February 1998.
19. Apo2 ligand and its receptors. American Society of Immunologists. San Francisco, CA, April 1998.
20. Death receptors and ligands. 7th International TNF Congress. Cape Cod, MA, May 1998.
21. Apo2L as a potential therapeutic for cancer. UCLA School of Medicine. LA, CA, June 1998.
22. Apo2L as a potential therapeutic for cancer. Gordon Research Conference on Cancer Chemotherapy. New London, NH, July 1998.
23. Control of apoptosis by Apo2L. Endocrine Society Conference, Stevenson, WA, August 1998.
24. Control of apoptosis by Apo2L. International Cytokine Society Conference, Jerusalem, Israel, October 1998.

25. Apoptosis control by death and decoy receptors. American Association for Cancer Research Conference, Whistler, BC, Canada, March 1999.
26. Apoptosis control by death and decoy receptors. American Society for Biochemistry and Molecular Biology Conference, San Francisco, CA, May 1999.
27. Apoptosis control by death and decoy receptors. Gordon Research Conference on Apoptosis, New London, NH, June 1999.
28. Apoptosis control by death and decoy receptors. Arthritis Foundation Research Conference, Alexandria GA, Aug 1999.
29. Safety and anti-tumor activity of recombinant soluble Apo2L/TRAIL. Cold Spring Harbor Laboratory Symposium on Programmed Cell Death. . Cold Spring Harbor, NY, September 1999.
30. The Apo2L/TRAIL system: therapeutic potential. American Association for Cancer Research, Lake Tahoe, NV, Feb 2000.
31. Apoptosis and cancer therapy. Stanford University School of Medicine, Stanford, CA, Mar 2000.
32. Apoptosis and cancer therapy. University of Pennsylvania School of Medicine, Philadelphia, PA, Apr 2000.
33. Apoptosis signaling by Apo2L/TRAIL. International Congress on TNF. Trondheim, Norway, May 2000.
34. The Apo2L/TRAIL system: therapeutic potential. Cap-CURE summit meeting. Santa Monica, CA, June 2000.
35. The Apo2L/TRAIL system: therapeutic potential. MD Anderson Cancer Center. Houston, TX, June 2000.
36. Apoptosis signaling by Apo2L/TRAIL. The Protein Society, 14<sup>th</sup> Symposium. San Diego, CA, August 2000.
37. Anti-tumor activity of Apo2L/TRAIL. AAPS annual meeting. Indianapolis, IN Aug 2000.
38. Apoptosis signaling and anti-cancer potential of Apo2L/TRAIL. Cancer Research Institute, UC San Francisco, CA, September 2000.
39. Apoptosis signaling by Apo2L/TRAIL. Kenote address, TNF family Minisymposium, NIH. Bethesda, MD, September 2000.
40. Death receptors: signaling and modulation. Keystone symposium on the Molecular basis of cancer. Taos, NM, Jan 2001.
41. Preclinical studies of Apo2L/TRAIL in cancer. Symposium on Targeted therapies in the treatment of lung cancer. Aspen, CO, Jan 2001.

42. Apoptosis signaling by Apo2L/TRAIL. Weizmann Institute of Science, Rehovot, Israel, March 2001.
43. Apo2L/TRAIL: Apoptosis signaling and potential for cancer therapy. Weizmann Institute of Science, Rehovot, Israel, March 2001.
44. Targeting death receptors in cancer with Apo2L/TRAIL. Cell Death and Disease conference, North Palmouth, MA, Jun 2001.
45. Targeting death receptors in cancer with Apo2L/TRAIL. Biotechnology Organization conference, San Diego, CA, Jun 2001.
46. Apo2L/TRAIL signaling and apoptosis resistance mechanisms. Gordon Research Conference on Apoptosis, Oxford, UK, July 2001.
47. Apo2L/TRAIL signaling and apoptosis resistance mechanisms. Cleveland Clinic Foundation, Cleveland, OH, Oct 2001.
48. Apoptosis signaling by death receptors: overview. International Society for Interferon and Cytokine Research conference, Cleveland, OH, Oct 2001.
49. Apoptosis signaling by death receptors. American Society of Nephrology Conference. San Francisco, CA, Oct 2001.
50. Targeting death receptors in cancer. Apoptosis: commercial opportunities. San Diego, CA, Apr 2002.
51. Apo2L/TRAIL signaling and apoptosis resistance mechanisms. Kimmel Cancer Research Center, Johns Hopkins University, Baltimore MD. May 2002.
52. Apoptosis control by Apo2L/TRAIL. (Keynote Address) University of Alabama Cancer Center Retreat, Birmingham, Al. October 2002.
53. Apoptosis signaling by Apo2L/TRAIL. (Session co-chair) TNF international conference. San Diego, CA. October 2002.
54. Apoptosis signaling by Apo2L/TRAIL. Swiss Institute for Cancer Research (ISREC). Lausanne, Switzerland. Jan 2003.
55. Apoptosis induction with Apo2L/TRAIL. Conference on New Targets and Innovative Strategies in Cancer Treatment. Monte Carlo. February 2003.
56. Apoptosis signaling by Apo2L/TRAIL. Hermelin Brain Tumor Center Symposium on Apoptosis. Detroit, MI. April 2003.
57. Targeting apoptosis through death receptors. Sixth Annual Conference on Targeted Therapies in the Treatment of Breast Cancer. Kona, Hawaii. July 2003.
58. Targeting apoptosis through death receptors. Second International Conference on Targeted Cancer Therapy. Washington, DC. Aug 2003.

**Issued Patents:**

1. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 5,329,028 (Jul 12, 1994).
2. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 5,605,791 (Feb 25, 1997).
3. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 5,889,155 (Jul 27, 1999).
4. Ashkenazi, A., APO-2 Ligand. US patent 6,030,945 (Feb 29, 2000).
5. Ashkenazi, A., Chunthrapai, A., Kim, J., APO-2 ligand antibodies. US patent 6,046,048 (Apr 4, 2000).
6. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 6,124,435 (Sep 26, 2000).
7. Ashkenazi, A., Chunthrapai, A., Kim, J., Method for making monoclonal and cross-reactive antibodies. US patent 6,252,050 (Jun 26, 2001).
8. Ashkenazi, A. APO-2 Receptor. US patent 6,342,369 (Jan 29, 2002).
9. Ashkenazi, A., Fong, S., Goddard, A., Gurney, A., Napier, M., Tumas, D., Wood, W. A-33 polypeptides. US patent 6,410,708 (Jun 25, 2002).
10. Ashkenazi, A. APO-3 Receptor. US patent 6,462,176 B1 (Oct 8, 2002).
11. Ashkenazi, A. APO-2LI and APO-3 polypeptide antibodies. US patent 6,469,144 B1 (Oct 22, 2002).
12. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 6,582,928B1 (Jun 24, 2003).